

By Mr. DAVIS of Texas: Petition of Cattle Raisers' Association of Texas condemning the growing control of the cattle market by the big packers; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of Merchants' Association of New York in opposition to a Government hydroelectric plant for the production of nitrates and fertilizers; to the Committee on Military Affairs.

By Mr. ESCH: Papers to accompany House bill 15659, granting an increase of pension to James Livingstone; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the National Automobile Chamber of Commerce of New York City, protesting against House bill 8665 relative to the Taylor system of shop management; to the Committee on Labor.

Also, petition of members of Chicago (Ill.) Customs Club, favoring House bill 9054 for extended leave of absence of Government employees; to the Committee on Reform in the Civil Service.

By Mr. GALLIVAN: Memorial of the National Association of Cotton Manufacturers, favoring national defense; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: Petition of Inez Funk and other members of the edelweiss class, Dublin, Ind., favoring the enactment of House bill 456, providing for the censorship of moving-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of Della Faust, Noblesville, Ind., and 25 other citizens of said State, protesting against the enactment of Senate bill 645; to the Committee on the District of Columbia.

Also, petition of Mrs. R. P. Lindsay and other members of the Helen Hunt Club, Cambridge City, Ind., favoring the enactment of House bill 456, providing for the censorship of moving-picture films; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. F. Bradburn, Richmond, Ind., and 23 other laboring men of said city, favoring the enactment of House bill 8665 to prohibit the stop-watch system of employment; to the Committee on Labor.

By Mr. KENNEDY of Rhode Island: Petition of Arthur V. Weidlich and others, against exclusion of Red Cross supplies; to the Committee on Foreign Affairs.

By Mr. LAFEAN: Memorial of Merchants' Association of New York, opposing a Government hydroelectric plant for production of nitrates and fertilizers; to the Committee on Military Affairs.

Also, memorial of Second Convention of Mental Hygiene Societies of the United States, favoring bill to establish a division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Automobile Chamber of Commerce, objecting to the Tavenner bill, against the Taylor system; to the Committee on Labor.

Also, memorial of United Iron Workers of America, favoring House bill 137, relative to inspection of creameries and dairies; to the Committee on Agriculture.

Also, memorial of Southern Hardware Jobbers' Association, favoring bill for prevention of floods of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of Leon C. Wheeler and Methodist Episcopal Sunday School of Barryton and G. M. Bierly and Union Sunday School of Lake George, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of International Association of Machinists, favoring House bill 8665; to the Committee on Labor.

Also, petition of Board of Aldermen of New York City, favoring national military preparedness; to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of the State of New York, opposing any method of agricultural banking requiring use of Government funds; to the Committee on Banking and Currency.

Also, petition of Brooklyn Quartette Club, favoring peaceful relations with foreign countries; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 498, United Association of Plumbers and Steam Fitters, opposing reduction of wages of employees in Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Papers to accompany House bill 15377, granting a pension to Christopher Dahlen; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Papers to accompany House bill 15723, granting a pension to Sarah E. Simonton; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Okke Kluins and 130 citizens of Kalamazoo, Mich., protesting against the passage of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of A. M. L. Herenins, Centerville, R. I., favoring embargo resolution; to the Committee on Foreign Affairs.

By Mr. TILSON: Petition of Elmer E. Okeson and 40 others and Francis T. Bedworth and 28 others, all of New Haven, Conn., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of Robert Sutton and other citizens of Lucas County, Iowa, protesting against the enactment of House bill 652 or any similar compulsory Sunday-observance measure; to the Committee on the District of Columbia.

Also, petition of Robert Sutton and other citizens of Lucas County, Iowa, protesting against the enactment of House bill 6468 or any similar amendment to the postal laws; to the Committee on the Post Office and Post Roads.

## SENATE.

THURSDAY, May 18, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast so impressed Thyself upon all the laws of nature and upon all the processes of human thinking that no government has ever been founded that was not based upon its ultimate relation to Thee. Thou hast not separated Thyself from men. In the onward path of progress we need more and more Thy inspiration and guidance and blessing. We shall never be enabled to govern ourselves unless we are willing freely to submit ourselves to the divine government. We pray that to-day we may look up through the toil and care of the day's work in humble submission to the divine will and realize in personal experience that in the midst of the conflict of interest of this world there is a hand governing all, and that our safety and glory lie in submission to the guidance of the hand of God. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Tuesday, May 16, 1916, was read and approved.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Martine, N. J.	Smith, Ga.
Beckham	Hardwick	Myers	Smith, Mich.
Brady	Hitchcock	Newlands	Smith, S. C.
Brandeggee	Johnson, Me.	Norris	Smoot
Catron	Johnson, S. Dak.	O'Gorman	Sterling
Chamberlain	Jones	Overman	Stone
Chilton	Kenyon	Page	Swanson
Clapp	Kern	Pittman	Thomas
Clarke, Ark.	Lane	Poinsett	Tillman
Culberson	Lea, Tenn.	Ransdell	Vardaman
Curtis	Lee, Md.	Reed	Wadsworth
Dillingham	Lippitt	Shafroth	Walsh
Fletcher	Lodge	Sheppard	Warren
Gallinger	McLean	Sherman	Williams
Gore	Martin, Va.	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. TAGGART]. This announcement may stand for the day.

Mr. SMITH of Michigan. I wish to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. I desire this announcement to stand for the day. On all record votes my colleague is paired with the Senator from Florida [Mr. BRYAN].

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

### DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a schedule of useless papers and papers without historical value in the Department of Labor and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

### LIST OF CASES (S. DOC. NO. 445).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting

a list of cases referred to the court by the United States Senate, which cases were dismissed by the court under section 5 of the act of March 4, 1915, commonly known as the Crawford amendment, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GLASS, Mr. PHELAN, Mr. MOSS of Indiana, Mr. HAYES, and Mr. PRATT managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 5221. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 8068. An act for the relief of E. C. Hornor.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Order of Railroad Conductors, of St. Louis, Mo., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a telegram, in the nature of a petition, from the National Society of the Sons of the American Revolution of Newark, N. J., praying for an increase in armament, which was ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Thorndale, Tex., praying that Great Britain permit the shipment of condensed milk to Germany, which was referred to the Committee on Foreign Relations.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kansas, praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of Manila Camp, No. 1, United Spanish War Veterans, National Military Home, Kansas, praying for the enactment of legislation to grant pensions to certain survivors of the Indian wars, which was ordered to lie on the table.

He also presented petitions of the Woman's Missionary Society of Riverdale, Md., praying for national prohibition and also for the prohibition of the exportation of intoxicating liquor to Africa, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. I have received a great number of telegrams on the so-called blue-tag system of sending second-class matter by freight. I present four as a sample, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HON. JAMES E. MARTINE,  
Senate, Washington, D. C.

As publishers of automobile dealers and repairers, we wish to protest earnestly against the attempt of the Postmaster General to revive the old blue-tag system of sending second-class matter by freight. When tried some years ago it caused great trouble by delayed mails. We ask that this provision be stricken out of the Post Office appropriation bill.

MOTOR VEHICLE PUB. CO.

HON. JAMES E. MARTINE,  
Senate, Washington, D. C.

We desire, as publishers of the Blacksmith and Wheelwright, to protest vigorously against the restoration of the blue-tag system of sending second-class mail by freight, as recommended by the Postmaster General. Previously when this system was tested it resulted in tedious delays and great disappointment to our subscribers.

M. T. RICHARDSON CO.

HON. JAMES E. MARTINE,  
United States Senate, Washington, D. C.

We vigorously urge the elimination of the blue-tag amendment to the Post Office appropriation bill, because the blue-tag system is an

unjust discrimination against the publication so handled, because it restricts and impairs their influence and their usefulness to their readers, and because in so doing it works to the disadvantage and even to the substantial injury of some of our leading industries.

THE OFFICE APPLIANCE CO.

GRAND RAPIDS, MICH., May 16, 1916.

HON. JAMES E. MARTINE,  
Senate Post Office Committee:

When the Post Office Department is so organized that it is possible to determine the cost of handling second-class mail, we, as publishers, are willing to pay whatever may be the proper price for transporting second-class mail. We would much prefer to pay four, six, or even ten times the present pound rate and secure even greater efficiency in distribution rather than to suffer the reinstitution of the blue-tag system. Your efforts toward the elimination of that feature from the Post Office bill now pending will be appreciated.

PERIODICAL PUBLISHING CO.

Mr. GRONNA presented a memorial of sundry citizens of Paradise, N. Dak., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Mott, N. Dak., and a petition of the Commercial Club of Hettinger, N. Dak., praying that the difficulties between railroads and their employees be settled by arbitration, which were referred to the Committee on Interstate Commerce.

He also presented the memorial of Miss N. L. Miller, of Roland Park, Md., remonstrating against the action of Great Britain in prohibiting the Red Cross from sending supplies to Germany, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Local Union of Christian Endeavor of Grand Rapids, Mich., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of Orcutt Camp, No. 10, Sons of Veterans, of Kalamazoo, Mich., praying for an increase in armaments, which was ordered to lie on the table.

Mr. SMITH of Michigan (for Mr. TOWNSEND) presented petitions of sundry citizens of Ann Arbor, Mich., praying that the United States remain at peace, which were referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented a petition of the Michigan State Christian Endeavor Union, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also (for Mr. TOWNSEND) presented a petition of the Michigan State Christian Endeavor Union, praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. TOWNSEND) presented a memorial of sundry citizens of Sebewaing, Mich., remonstrating against the action of Great Britain in prohibiting the sending of Red Cross supplies to Germany, which was referred to the Committee on Foreign Relations.

He also (for Mr. TOWNSEND) presented a petition of the Young People's Society of Christian Endeavor of the Presbyterian Church of Decatur, Mich., praying for prohibition in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. WEEKS presented memorials of sundry citizens of Massachusetts, remonstrating against sectarian appropriations, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Somerville, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Socialist Party of Deerfield, Mass., praying for an investigation into the Mexican situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Bay State Automobile Association, of Massachusetts, praying for an investigation into the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of South Hadley, Mass., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Nelson A. Miles Camp, No. 36, United Spanish War Veterans, of Holyoke, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.



Mr. WALSH presented petitions of sundry citizens of Great Falls, Mont., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRADY presented a petition of sundry citizens of Newport, Idaho, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TILMAN presented a petition of the members of the missionary societies of the Methodist Episcopal Church of Dillon, S. C., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Long Beach, Cal., praying for an increase in armaments, which was ordered to lie on the table.

Mr. WARREN presented a petition of the Lincoln County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Free-land, Wash., remonstrating against any change being made in the parcel-post law, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented the petition of Prof. A. C. Barker, of Oakland, Cal., praying for Federal aid for vocational education, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Redlands, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was ordered to lie on the table.

He also presented a petition of Fort Romie Grange, No. 358, Patrons of Husbandry, of Soledad, Cal., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Oakland, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. HUGHES presented a petition of sundry citizens of Leonia, N. J., praying for prohibition in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Boonton, N. J., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

FEDERAL TRADE COMMISSIONER W. J. HARRIS.

Mr. NEWLANDS. Mr. President, out of order there is a matter that I should like to call to the attention of the Senators from Georgia. I will ask the Secretary to read from the Washington Post of May 17 the part marked in the last column.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

W. J. HARRIS A POWER, HE SAYS.

"William J. Harris, of the Federal Trade Commission, is the dominant power now in Georgia politics," said Crawford Wheatley, of Americus, Ga., one of the delegates at large from Georgia to the Democratic national convention, at the New Willard, yesterday.

"At the recent State convention in Macon," continued Mr. Wheatley, "the name of Mr. Harris, who was on the ground to look after the administration's interests, elicited almost as much applause as that of the President. He was the only person asked to address the convention, although both Senator THOMAS W. HARDWICK and Gov. NAT HARRIS were present. As a further mark of confidence the slate of delegates to the national convention which he approved was elected. Mr. Harris and the President were both endorsed by the convention."

Mr. NEWLANDS. Mr. President, I caused this clipping from the newspaper to be read without consultation with the Senator from Georgia, for the reason that, if true, I wish to call public attention to the impropriety of a member of the Federal Trade Commission attending and attempting to influence a political convention, and also for the reason that if it is untrue I desire as much publicity for the denial as the newspaper article itself received.

Mr. HARDWICK. Mr. President—

Mr. NEWLANDS. I wish to state, if the Senator will hear me through—

Mr. HARDWICK. I should like to have the Senator yield to me as soon as he can.

Mr. NEWLANDS. I will yield in a moment to the Senator. Mr. President, I will state that for seven or eight years I urged in this body the organization of a trade commission, believing that the Government could through some form of organization be a corrector of bad business practices and a friendly guide to business rather than a relentless prosecutor, believing that in

the main the business men of the country wish to work in harmony with its laws, and that a trade commission through its instructive and corrective powers would be beneficial to the business, the well-intentioned and honest business of the country.

That Trade Commission was finally authorized and organized as a nonpartisan commission, and the only way of making a nonpartisan commission under our form of Government is to make a bipartisan commission. So it was provided in the act which finally passed that the Trade Commission should consist of five members, of whom no more than three should belong to one political party.

Mr. President, I regard these great public utility commissions for public regulation as quasi judicial in character. The confidence of the country depends upon the maintenance of that quasi judicial character, and although the members of that commission are not to be denied their political convictions or their expression, manifestly every sense of propriety requires that they should not be active in political organizations and conventions.

Mr. GALLINGER. Will the Senator—

Mr. NEWLANDS. Will the Senator permit me to proceed with my statement before I yield for an interruption?

Mr. KENYON. Mr. President, I should like to inquire under what authority—

Mr. NEWLANDS. Mr. President—

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa rises to a parliamentary inquiry which is his privilege. He will state it.

Mr. KENYON. Has there been any unanimous consent given for the Senator from Nevada to proceed? If not, I object, and ask for the regular order.

Mr. SMITH of Michigan. There ought to be unanimous consent given to make such a statement.

Mr. NEWLANDS. I move that I be allowed to proceed.

Mr. KENYON. Mr. President, I ask for the regular order.

Mr. NEWLANDS. I understand that I have practically unanimous consent, because I was given the floor and announced that out of order I proposed—

Mr. WILLIAMS. Unanimous consent was never requested, and the question has not been submitted to the Senate.

Mr. KENYON. If the Senator from Nevada says he asked for unanimous consent and it was granted, I withdraw my demand for the regular order.

Mr. NEWLANDS. I did not ask for unanimous consent; but I stated, my recollection is, that I wished to present this matter out of order.

Mr. TILMAN. The Senator has a right to do it.

Mr. NEWLANDS. I am not sure about the exact language I used.

Mr. SMITH of Michigan. It is very interesting, and I hope the Senator will proceed.

Mr. NEWLANDS. Mr. President, it is hard for me to believe that Mr. Harris, whom I know and whom I respect, had this participation in the formation and development of a political organization or convention in the State of Georgia such as this newspaper refers to. I hope that the Senators from Georgia—

Mr. HARDWICK. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. I will yield in a moment. I hope that the Senators from Georgia will be able to deny this statement, and I would be glad if they do, but I think a great public service will be done even though the incorrectness of this newspaper statement be established by calling public attention and the attention of the members of these various commissions to the fact that their active participation in politics is not expected by the Congress of the United States which created them; that they are the servants of Congress in the regulation of commerce; that they are as much taken out of political activity as are the courts themselves; and that it is an impropriety for them to indulge in political activity. I now yield to the Senator from Georgia.

Mr. HARDWICK. Mr. President, since the Senator from Nevada has had the newspaper article in question read from the desk and therefore brought it to the attention of the Senate, I think, in justice to Mr. Harris, I ought to say that, in my judgment—and I was present at the convention referred to—the statements in this article are in the main inaccurate and incorrect.

It is true that Mr. Harris was in attendance on the State Democratic convention of Georgia. He was there, according to my understanding—I think I am right about that—as a delegate from his own county, under appointment of the chairman of the county executive committee of that county. If Mr. Harris had anything whatever to do with the selection of the

delegation more than a hundred other leading Democrats from almost as many Georgia counties had, I am not advised of that fact. I know that to a large extent the article misstates the facts.

I think I can say for the information of the Senator from Nevada and of the Senate—and it may throw some light on this transaction—that this convention was a very harmonious affair. There was no conflict in it between Mr. Harris and the Senators from Georgia or anybody else. Every one of the delegates selected by the convention was elected unanimously, and the platform which they adopted was satisfactory to everybody and went through without a dissenting vote. I do not believe that Mr. Harris had anything whatever to do with the selection of delegates, except that he may have agreed with many other gentlemen that the gentlemen selected as delegates were satisfactory. He was not invited to address the convention. The chairman of the convention—and I do not think there was any impropriety in it—made some complimentary reference to the appointment of Mr. Harris by the President. It was well received by the delegates, and some man, I think, called on Mr. Harris for a speech. Mr. Harris, with a great deal of propriety, I thought, did not speak.

Nor was it true—and I will say this purely out of justice to the governor of Georgia and myself, for a Georgia Democratic convention is never discourteous to Democratic officials—that we were not invited to address the convention. Both the governor and myself, on account of the lateness of the hour when the work of the convention was done, sent word by a committee that came to see us that we preferred not to address the convention. We were more inclined to attend to business and to let the delegation get home than to deliver speeches. In that respect we may have differed from some other bodies of which I can think.

What I want to say to the Senator—possibly to reassure him to some extent—is that I think the participation of Mr. Harris in this convention or his political activities in it are very much exaggerated by some gentlemen who merely intended to pay him a graceful compliment. The criticism is based more upon that than upon anything, I think, that actually occurred.

Of course the Senator might question—although I do not know that he ought to do so—the propriety of a man holding an office of this character becoming a delegate or going as a delegate to a convention, or attending one. Personally I can not say that I can see any impropriety in it. We do not cease to be Democrats or Republicans because we hold office here. There is no need to have any pretense about that. You are not going to get many nonpartisan officers, either Democrats or Republicans. There was nothing in the conduct of Mr. Harris that was officious or which was offensive to the Senators from Georgia, or, so far as I know, to any Georgia Democrat. The convention was harmonious in every way and there was no fight in it, factional or otherwise, for anybody to participate in.

Mr. REED. Mr. President, I should like to ask the Senator from Georgia if he thinks there is any greater crime against propriety for a member of the Federal Trade Commission to be a delegate to a State convention than it is for a Justice of the Supreme Court to be a candidate for President of the United States?

Mr. HARDWICK. Well, the Senator from Missouri will have to decide that question for himself, and so will everybody else. I do not want to commit myself, however, by my answer to the proposition that any such condition as that exists. I do not know whether or not it does.

Mr. KERN. I call for the regular order, Mr. President.

Mr. NEWLANDS. If the Senator will permit me to say a word—

Mr. HARDWICK. I wish only to say one word more, if the Senator will pardon me, and then I will yield to any other Senator. I think this has gone far enough. I think the whole thing has been exaggerated. I think it is merely an attempt of a friend, who probably lacked exactly good judgment in the matter, to pay a compliment to a friend; and I do not believe, from my personal knowledge of the conduct of Mr. Harris at the time, that Mr. Harris was guilty of any undue political activity or of any undue interference with its proceedings, unless the bare fact that he was a delegate to that convention or attended it may be considered as such. I certainly do not so appraise his conduct.

Mr. NEWLANDS. I will state to the Senator from Georgia that I am very glad to hear that the activities of this member of the Federal Trade Commission were not so great as are indicated by this newspaper item. I quite differ with him, however, as to the propriety of a member of any of these regulating commissions, whose functions are quasi judicial, participating in political conventions and in political management; and so far

as I am concerned, whilst I am glad to know that the offense is minimized, I feel that it still exists, and I shall regard it as my duty to bring the matter before the Interstate Commerce Committee, with a view to investigating the extent to which this practice is indulged.

Mr. GALLINGER. Mr. President—

Mr. KERN. I insist on the regular order, Mr. President.

Mr. GALLINGER. Mr. President, I am interested in what the Senator from Nevada [Mr. NEWLANDS] has said about this commissioner. If this member offended, what does the Senator think of a member of that commission coming to the Senate and using his influence to control legislation?

Mr. KENYON. Regular order!

The VICE PRESIDENT. Reports of committees are now in order.

#### REPORTS OF COMMITTEES.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 6047) to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," reported it without amendment.

Mr. BANKHEAD. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, to report it with amendments and I submit a report (No. 459) thereon. I desire to give notice that upon the conclusion of the river and harbor bill I shall ask the Senate to take up this bill for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 4866) for the relief of Julia R. Goodloe, reported it without amendment and submitted a report (No. 451) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 782. A bill granting additional rights to settlers on reclamation projects (Rept. No. 456);

S. 5379. A bill validating certain homestead entries (Rept. No. 457); and

S. 5615. A bill granting certain lands to the Board of Park Commissioners of the State of Washington for park purposes (Rept. No. 458).

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 778. A bill to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910 (Rept. No. 452);

S. 790. A bill to repeal an act entitled "An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes" (Rept. No. 453);

S. 5082. A bill adding certain lands to the Missoula National Forest, Mont. (Rept. No. 454); and

S. 5772. A bill to provide for the sinking of artesian wells, and for other purposes (Rept. No. 455).

#### REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. From the Committee on Immigration I report back additional committee amendments to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States, and ask that they be printed.

I also ask unanimous consent that a reprint of the bill be made incorporating these amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

#### PERDIDO BAY BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 5841) to authorize the Perdido Bay Bridge & Ferry Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Lillian, Baldwin County, Ala., to Cummings Point, Escambia County, Fla., and I submit a report (No. 450) thereon. I ask unanimous consent for the present consideration of the bill.



There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STANDARDIZATION OF LIME BARRELS.

Mr. CLAPP. From the Committee on Standards, Weights, and Measures I report back favorably with an amendment the bill (S. 5425) to standardize lime barrels, and I ask unanimous consent for its immediate consideration. I will explain the bill, if any Senator desires that I shall do so.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be first read, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

*Be it enacted, etc.,* That there is hereby established a large and a small barrel of lime, the large barrel to consist of 280 pounds and the small barrel to consist of 180 pounds, net weight.

Sec. 2. That when lime is sold in barrels the words "large barrel, 280 pounds" or "small barrel, 180 pounds" shall be stenciled or otherwise clearly and permanently marked upon one or both heads, and in addition the name of the manufacturer of the lime and the name of the brand, if any, under which it is sold: *Provided, however,* That when a jobber or local dealer in lime sells lime in quantities of more than one barrel and delivers it in barrels which are not headed and are used merely as containers, then nothing in this act shall be deemed to require that the barrels be marked as provided in this section or that each individual barrel contain either of the standard weights established in section 1, but he shall nevertheless deliver a total weight equivalent to the total weight of the number of large or small barrels represented, sold, or charged for by him or purported to be delivered by him pursuant to an order.

Sec. 3. That rules and regulations for the enforcement of this act not inconsistent with the provisions of the act shall be made by the Director of the Bureau of Standards and approved by the Secretary of Commerce, and that such rules and regulations shall include reasonable variations or tolerances which may be allowed.

Sec. 4. That it shall be unlawful to pack or to sell, offer, or expose for sale any other barrels of lime than those established in section 1; or to pack or to sell, offer, or expose for sale any barrels of lime which are not marked as provided in section 2; or to represent, sell, charge for, or purport to deliver as a large or small barrel of lime any less weight of lime than is established in section 1 for a large or a small barrel, respectively; and any person guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed \$500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction.

Sec. 5. That prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the several States or Territories, respectively, relating to weights and measures.

Sec. 6. That this act shall be in force and effect from and after the 1st day of July, 19—.

Mr. GALLINGER. I should like to ask the Senator from Minnesota if there is a report accompanying the bill?

Mr. CLAPP. Mr. President, I will make a very brief statement concerning it. Within a couple of years, I think, we passed a bill to standardize barrels. That bill was designed primarily for the standardization of barrels used in the fruit trade. A department of the Government—I think, the Treasury Department—has held that it applies to lime. In the lime industry the barrels vary in size from about 150 pounds to 200 pounds and upward, the consumer having no means of knowing what he is getting. Unquestionably lime barrels should be standardized.

The bill to which I have referred, and which has already been passed, goes into effect on the 1st of July, and will penalize the lime people unless they adjust their barrels to the standard fixed, which is not anywhere near the lime standard. So it is desirable, if it can be done, in addition to standardizing the lime barrel, to pass this bill before the 1st of July, that the lime manufacturers and dealers may be relieved of the penal provisions of the other bill, and to give them time to adjust themselves I have added an amendment, which will be read shortly, and which provides that the penal provisions of this bill shall not go into effect until the 1st of next January.

Mr. GALLINGER. Mr. President, if the Senator will permit me, does the other bill, which covers the matter of fruit barrels, cover also barrels for every other product except lime?

Mr. CLAPP. It has been held by the department to cover barrels for all dry products. I have no doubt that experience will show later that there are containers for other commodities which must also be standardized. Of course customs have grown up in connection with different commodities, and in some industries a barrel is used which is not at all in harmony with barrels used in other industries; and yet every lime manufacturer will be penalized on the 1st of July unless he conforms to the standard which has been fixed in the law already passed, which standard, of course, would have to be abandoned immediately upon the passage of legislation similar to that now proposed designed to adjust a standard for the lime business,

Mr. GALLINGER. Mr. President, if the Senator will permit me, it occurs to me that there must be many other commodities which will come under the provisions of the law already passed and which will have to be taken care of in some way; but if the Senator thinks this bill important, I shall not object to its consideration.

Mr. CLAPP. I do think this bill important in view of the position the lime manufacturers and dealers will be placed in under the clause of the other bill, unless this bill is passed before the 1st of July.

Mr. GALLINGER. I shall not object.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Minnesota whether there is any provision in this bill limiting its operation to lime sold in interstate commerce? I do not recall hearing any provision of that kind as the bill was read.

Mr. CLAPP. It is not designed to apply, and it can not apply, to the commodity except when sold in interstate commerce.

Mr. LODGE. Mr. President, of course there is no limitation confining it to interstate commerce, for we have the explicit constitutional power to establish standards of weights and measures.

Mr. CLAPP. The Senator is correct.

Mr. JONES. Mr. President, I should like to state to the Senator that we have some extensive lime manufactures in the State of Washington. I have not heard a single word from those interested in that State urging any legislation of this kind or referring to it in any way, shape, or form. I do not feel like letting this bill pass without an opportunity to inquire of them as to whether they know anything about it.

I find that the methods of doing business in a good many ways are different on the western coast from what they are on the Atlantic coast, and sometimes legislation is passed especially suitable to carrying on business in the East that is quite an injury to the people on the Pacific coast.

Mr. CLAPP. Mr. President, the reason why the Senator has probably not heard from his constituents on this subject is that this legislation has been asked for by the National Association of Lime Dealers and has their approval. It came to me through the Bureau of Standards, Weights, and Measures.

Mr. JONES. I do not believe that a delay of a day or two will affect this matter, and I shall have to ask that the bill go over until I can telegraph to those interested in my State.

Mr. CLAPP. Then, I ask unanimous consent that the bill may be recommitted to the committee.

Mr. JONES. I suggest that the Senator withdraw the report. Then he can resubmit it.

Mr. CLAPP. I will have to ask unanimous consent to withdraw it. I ask unanimous consent that the bill be recommitted to the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 6054) to amend an act entitled "An act relating to the liability of common carriers by railroads to their employees in certain cases," approved April 22, 1908; to the Committee on Interstate Commerce.

By Mr. CURTIS:

A bill (S. 6055) to amend section 2 of the act approved April 19, 1908, being an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War; to the Committee on Pensions.

A bill (S. 6056) providing for a budget; to the Committee on Appropriations.

By Mr. LEA of Tennessee:

A bill (S. 6057) granting a pension to John H. McTeer; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 6058) to reappoint Henry Harrison Hall a second Lieutenant in the Army; to the Committee on Military Affairs.

By Mr. WEEKS:

A bill (S. 6059) to further amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 6060) granting an increase of pension to Charles Asa Clark (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6061) granting an increase of pension to William H. Waitman (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6062) granting a pension to Mary E. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6063) authorizing the Secretary of War to prescribe rules and regulations regulating the use of storage reservoirs on navigable waters of the United States to prevent their endangering or impairing navigation; to the Committee on Commerce.

By Mr. SMITH of Michigan (for Mr. TOWNSEND):

A bill (S. 6064) granting an increase of pension to Louis A. Allor (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6065) granting an increase of pension to Nelson L. Barber; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6066) granting an increase of pension to James H. Colby; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6067) for the erection of a monument to the memory of Maj. Walter Reed, Surgs. James Carroll, Jesse W. Lazear, and Aristides Agramonte; to the Committee on the Library.

By Mr. O'GORMAN:

A bill (S. 6068) granting a pension to John C. Rowland; to the Committee on Pensions.

By Mr. NELSON:

A joint resolution (S. J. Res. 132) to authorize the President to appoint a commission to cooperate with the American-Norwegian Chamber of Commerce in promoting commercial relations of the United States with Norway; to the Committee on Commerce.

#### INTERNATIONAL PEACE TRIBUNAL.

Mr. SHAFROTH. I desire to introduce a joint resolution and ask that it be referred to the appropriate committee. As it is short, I will ask that it be read.

The joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States, authorizing the creation, with other nations, of an international peace-enforcing tribunal or tribunals for the determination of all international disputes, was read the first time by its title and the second time at length, as follows:

*Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the several States of the Union with recommendation that they adopt the same by vote of their respective legislatures:*

#### "PROPOSED AMENDMENT.

"The President is authorized to negotiate, and after ratification by two-thirds of both Houses of Congress, to sign a treaty or treaties with all or a part of the other sovereign nations of the world, engaging the United States to submit for final determination all its international disputes threatening war, to an international tribunal or tribunals, and also engaging the United States to assist in supplying funds for the support of said tribunal or tribunals and of any international civil and military establishment to be controlled by an international authority that may be required by the treaty or treaties as a sanction for the execution of the decrees and the fulfillment of the demands of the said international organisms when such decrees or demands are made in conformity with the agreements instituting said organisms, and engaging the United States to recognize the authority of said international organisms (or one or more of them) to make final interpretation of the powers conferred upon them."

Mr. THOMAS. Mr. President, I venture to suggest that that constitutional amendment has a very good chance for passage, because it seems to carry an appropriation with it.

Mr. SHAFROTH. I will state that it is a fine constitutional amendment, and I hope it will be adopted.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. WADSWORTH submitted an amendment authorizing the Postmaster General to grant to any employee in the Railway Mail Service in first and second class post offices or in the City Free Delivery Service not to exceed two weeks sick leave in any one year with pay, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. BRADY submitted an amendment proposing to increase the appropriation for study of methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes from \$5,000 to \$15,000, intended to be proposed by him to the Agricultural appropriation bill (H. R.

12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SHERMAN submitted an amendment providing in the eradication of the foot-and-mouth and other contagious diseases of animals for the payment of any losses and expenses sustained or incurred by the owner or owners of any animal or animals destroyed in the arrest or eradication of any of such diseases, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

#### STEAMBOAT-INSPECTION SERVICE.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 449) to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, which was ordered to lie on the table and be printed.

#### FLOOD CONTROL.

Mr. NEWLANDS. Mr. President, I should like to inquire whether the so-called Humphreys bill (H. R. 14777), providing for flood control, which passed in the House of Representatives yesterday, has come to the Senate?

The VICE PRESIDENT. The bill has not been received by the Senate.

Mr. NEWLANDS. I wish to make a statement regarding that bill. There will be a motion made, when the bill comes to the Senate, to refer it to the Committee on Interstate Commerce; and the understanding between the chairman of the Committee on Commerce and myself is that the question of reference will not be disposed of before next Monday.

Mr. CLARKE of Arkansas. I would not like to say that, Mr. President. It will not be disposed of until further conference with the Senator from Nevada. If we have an opportunity to consider it at an earlier period, I shall be glad to do so.

Mr. NEWLANDS. That will be satisfactory. I wish to state in that connection, as many Members understood—

Mr. KENYON. I ask for the regular order.

The VICE PRESIDENT. The Senator from Iowa is asking for the regular order. Are there further bills or joint resolutions? If not, concurrent and other resolutions are in order.

#### CHARLES L. FREER.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. The Senator from Iowa.

Mr. STONE. Mr. President—

Mr. KENYON. I have been recognized.

Mr. STONE. I have a bill I desire to introduce.

The VICE PRESIDENT. We have passed the order of the introduction of bills, but the Chair will recur to that order.

Mr. STONE. The Secretary is standing in such a position with reference to mine and that of the Vice President that I did not hear—

Mr. KENYON. Mr. President, I have been recognized by the Chair.

Mr. STONE. Mr. President, I desire to introduce a bill, and I have been waiting for the Chair to get to a point where I could do so.

Mr. KENYON. I am willing to yield for that purpose, of course.

Mr. STONE. I ask the Chair whether it is necessary for the Senator from Iowa to yield.

The VICE PRESIDENT. The Chair, of course, had passed the order of introduction of bills and joint resolutions and was down to about the close of the morning hour, and recognized the Senator from Iowa; but the Chair can see no reason why the Senator from Iowa will not yield for the purpose of allowing the Senator from Missouri to introduce a bill.

Mr. KENYON. Certainly.

Mr. STONE. I offer the bill which I send to the desk.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The bill (S. 6068) authorizing and directing the Secretary of the Treasury to cancel and remit a certain income tax assessed against Charles L. Freer, of Detroit, Mich., was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. STONE. Mr. President, in connection with that bill, I desire to have printed in the Record, without reading, in order that the matter may be conveniently preserved for use by the Committee on Finance, to which this bill has been referred, and for the information of the Senate, a letter to me from Dr. Charles D. Walcott, Secretary of the Board of Regents of the Smithsonian Institution. I should have liked to have had inserted in the Record certain other correspondence sent to me



from Dr. Walcott, which accompanied a note from him to me, which for some reason he has marked "personal," and therefore I do not ask to have it inserted in the Record; but I will ask to have these papers referred, with the bill, to the Committee on Finance.

The VICE PRESIDENT. That will be done.

Mr. STONE. The letter I now send to the desk I ask to have printed in the Record.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The letter referred to is as follows:

SMITHSONIAN INSTITUTION,  
Washington, May 17, 1916.

DEAR SENATOR: In response to your verbal request, I have the honor to submit herewith the following information relative to the cancellation of the assessment of the income tax which Mr. Charles L. Freer is called upon to pay on profits derived from the sale of certain capital stock of Parke, Davis & Co., which sale was made solely for the benefit of the Smithsonian Institution and the proceeds immediately appropriated to its interests, in carrying out the provisions of his munificent gift to the Nation, the extent of which has been more than doubled since his original offer.

Of the proceeds of this sale \$1,000,000 in cash was delivered to the Institution in December, 1915, to be applied to the erection of the building forming part of the donation; in addition to which, art objects purchased since the sale and already transferred by title to the Institution have cost Mr. Freer more than the balance realized by him in the disposition of the stock in question.

Under date of May 14, 1916, Mr. Freer writes that, besides other purchases made for the Institution, a considerable sum from other sources than the sale of this stock has been set aside by him for further acquisitions and for contingent expenses, and if the Government insists upon his paying the income tax on the sale of the Parke, Davis & Co. stock he will feel constrained to deduct the amount of the tax, \$13,252.21, from the fund referred to, which would, of course, be equivalent to taking it from funds available for additions to the collections which he has presented.

The original proposition of Mr. Freer was made to the President of the United States in a communication dated December 15, 1905, in which he offered to bequeath or make present conveyance to the Smithsonian Institution or the United States of his extensive collections of American and oriental art, together with the sum of \$500,000 for the construction of a building for their installation. This offer was accepted on behalf of the Nation by the Board of Regents of the Institution at their annual meeting on January 24, 1906, and was carried out in the form of a deed of gift dated May 5, 1906. The accompanying inventory enumerated 2,326 objects.

Since that time, however, Mr. Freer has continued to make additions of equal importance to the collections, which have been conveyed to the Institution in seven supplementary transfers, covering approximately 3,010 objects, and bringing the total to approximately 5,336 examples, of which 1,012 are American and 4,324 are oriental. The collection as a whole is one of the most remarkable in the world, being especially noteworthy in its representation of the work of Whistler and several other celebrated American artists, and of the unstudied art of China, although the arts of Japan, Korea, Persia, Indo-Persia, Egypt, and other oriental countries are widely and richly illustrated, beginning with periods antedating the Christian era.

It is impossible to state the value of these collections. The oriental works were mostly obtained by Mr. Freer in the countries which they represent, and their valuation has greatly increased since his collecting began, which has always been carried on regardless of expense. If placed on sale, they would certainly bring not less than two and a half million dollars, and probably much more.

In view of the increased cost of building operations in recent years and of the increase in the size of the collections, Mr. Freer has augmented the sum provided for the erection of the building from \$500,000 to \$1,000,000, which entire amount is now in the possession of the Smithsonian Institution, while the plans for the building have been completed and accepted.

I am transmitting with this letter a copy of Bulletin No. 70 of the National Museum, entitled "The National Gallery of Art," in which the Freer gift is described on pages 102-119.

In view of Mr. Freer's generosity in presenting his magnificent collections to the Nation and of the purposes for which the proceeds of the sale of the stock mentioned are to be used, as above explained, I trust that the cancellation of the tax will meet with the approval of Congress.

Very truly, yours,

CHARLES D. WALCOTT,  
Secretary.

The Hon. WILLIAM J. STONE,  
United States Senate, Washington, D. C.

#### PROCEEDINGS OF EXECUTIVE SESSIONS.

Mr. STONE. Mr. President, I desire at this point to call up a bill I introduced two or three days ago, at which time I asked that it might lie on the table, with a view to having it referred; and before it is referred I desire to occupy a few minutes of the Senate's time to say something about it.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. The Senator from Iowa.

Mr. KENYON. On yesterday Senate resolution 191 was before the Senate, and, by unanimous consent, it went over until to-day, in order to accommodate the Senator from Missouri, who said he desired to speak upon it. I was on my feet to ask that that resolution be now taken up, as I had the right to do under the rule. Of course, I realize that if it is talked out until 2 o'clock it will go to the calendar, and that is why I am anxious to have it taken up and discussed now. I am always glad—

Mr. STONE. Mr. President, I have no wish at all to be in any way unfair to the Senator. I desire to say something upon that resolution. I do not wish it talked out and then go to the calendar.

Mr. KENYON. Will the Senator—

Mr. STONE. I desire, if the Senator will permit me, to have the resolution reasonably debated, and to have an expression of the Senate as to whether or not executive sessions shall be abolished. If the Senate desires to have that done, I have no objection.

Mr. KENYON. Mr. President, I will say to the Senator from Missouri that unanimous consent was given yesterday that this resolution should go over without prejudice, in order, as I understood, to accommodate the Senator from Missouri, who desired to speak on it. The Senator from Missouri desires to discuss something else at this time. If we can have unanimous consent that this resolution may go over until the next day without prejudice, I shall be perfectly satisfied.

Mr. STONE. So far as I am concerned, Mr. President, I should not like to undertake this morning to discuss the resolution.

Mr. KENYON. Has the Senator any objection, then, to the course I suggest?

Mr. STONE. I have absolutely no objection to its going over until the next morning hour and taking it up then; and I promise the Senator I shall be ready then to say what I desire to say.

Mr. KENYON. That is very agreeable. I ask unanimous consent that Senate resolution 191 may go over without prejudice.

The VICE PRESIDENT. It will go over without prejudice.

#### MONUMENT TO ALEXANDER W. DONIPHAN.

Mr. STONE. Mr. President, I ask that the bill (S. 6023) I introduced two or three days ago for the erection of a monument to Gen. Alexander W. Doniphan be now laid before the Senate, and I wish to move that the bill be referred to the Committee on the Library.

The VICE PRESIDENT. The motion is that the bill be taken from the table and referred to the Committee on the Library.

Mr. STONE. Upon that motion I desire briefly to be heard. I desire to make a short address—one that I especially want the Senator from Mississippi [Mr. WILLIAMS] to hear.

A short time since I was attracted by a brief—a very brief—descriptive article in the Washington Post, ornamented with a picture of Gen. Doniphan. The picture was the thing which especially called my attention to the printed matter, which was only a brief explanation published under the picture. I will read what the Post said:

Exactly 70 years ago Alexander William Doniphan, an American Army officer, led 1,000 soldiers into Mexico, settled an Indian uprising, crossed two deserts, defeated two armies that outnumbered him 4 to 1, captured the intrenched city of Chihuahua, lost 4 men killed and 14 wounded in a year's campaign that covered almost 6,000 miles, and returned home with 17 of the enemy's cannon and 100 of his battle flags. His name appears in none of the standard histories of the United States. He was a country lawyer, and soldiering was his hobby.

There are two things about this publication I have just read to which I wish to refer—one being what I fear might in a way have an erroneous or misleading effect and the other being an omission. First as to the error: The error, or possible error, is that the Post article states that Gen. Doniphan was an American Army officer. That is not wholly erroneous, of course, but is calculated to convey a wrong impression. It is likely to create the impression that he was an officer of the Regular Army; and that would be a mistake. He was only an officer of the Volunteer Army.

The omission I wish to supply is this, that the Post fails to tell its readers what State Gen. Doniphan was from. He was, during the greater part of his life, a citizen of the State of Missouri; from that State he volunteered for service in the Mexican War; the men he led in that war were Missouri men, whom he induced by his patriotic appeals to enlist; and to-day he lies buried in a beautiful but unostentatious Missouri cemetery. I supply this omission for the reason that I doubt whether one-half or one-third even of the Members of Congress know anything about this man or remember his honored name. It is stated in the Post article that "his name appears in none of the standard histories of the United States."

After reading that Post article I sent over to the Congressional Library a request to have all histories in that great collection of books which might be considered "standard histories of the United States" examined, and to advise me in what historical books his name appears and in what way it appears. All I was able to get in reply to my request was a reference to a chapter of less than 38 pages in a volume entitled "The Road

to Glory," written by E. Alexander Powell—a volume containing numerous sketches of thrilling and important events in American history, concerning which little or nothing has been said in the so-called "standard histories" of our country. I will ask the Secretary to read the first two pages of this remarkable and absolutely true historical reminiscence—I might almost say this historical revelation.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE MARCH OF THE ONE THOUSAND.

Twenty-two centuries or thereabouts ago a Greek soldier of fortune named Xenophon found himself in a most trying and perilous situation. Lured by avarice, adventure, and ambition he had accepted a commission in a legion of Hellenic mercenaries, 10,000 strong, who had been engaged by Cyrus to assist him in ousting his brother from the throne of Persia. But at Cunaxa Cyrus had met his death and his forces complete disaster, the Greek legionaries being left to make their way back to Europe as best they might. Under Xenophon's daring and resourceful leadership they set out on that historic retreat across the plains of Asia Minor, which their leader was to make immortal with his pen, eventually reaching Constantinople, after an absence of 15 months and a total journey of about 3,500 miles, with little save their weapons and their lives. Xenophon's story of the March of the Ten Thousand, as told in his "Anabasis," is the most famous military narrative ever written; it is used as a textbook in colleges and schools, and is familiar wherever the history of Greece is read.

Yet how many of those who know the "Anabasis" by heart are aware that Xenophon's exploit has been surpassed on our own continent, in our own times, and by our own countrymen? Where is the textbook which contains so much as a reference to the March of the One Thousand? How many of the students who can glibly rattle off the details of Xenophon's march across the Mesopotamian Plains have ever even heard of Doniphan's march across the plains of Mexico? During that march, which occupied 12 months, a force of American volunteers, barely a thousand strong, traversed upward of 6,000 miles of territory, most of which was unknown and bitterly hostile, and returned to the United States bringing with them 17 pieces of artillery and a hundred battle flags taken on fields whose names their countrymen had never so much as heard before. Because it is the most remarkable campaign in all our history, and because it is too glorious an episode to be lost in the mists of oblivion, I will, with your permission, tell its story.

Mr. STONE. With this introduction Mr. Powell proceeded to give in graphic phrase the wonderful story of "The March of the One Thousand," let by Doniphan.

There is one other book giving an account of this "march," printed under the title of "Doniphan's Expedition." This is a small volume, written soon after the Mexican War by John T. Hughes, A. B., himself intimately and most honorably associated with this heroic expedition. This volume of Mr. Hughes, little more than a pamphlet, long ago went out of print, and copies of it are rare and difficult to obtain. About two years ago the Senator from New Mexico [Mr. CATRON] and I were talking of Gen. Doniphan, and Senator CATRON asked me if I had a copy of Mr. Hughes's account of the Doniphan expedition. I told him I had some years ago seen a copy of it. The Senator from New Mexico, who is a native Missourian, and who had spent his childhood and the years of his younger manhood in the vicinity of Gen. Doniphan's residence, and knew him personally, felt a natural concern about the regrettable fact that the services of this great American had been apparently forgotten. We were in complete sympathy about that. Together we conspired to have the historical booklet, so interestingly written by Mr. Hughes, republished as a Senate document, and that was done. Except for the chapter in Mr. Powell's work and Mr. Hughes's publication, it would be difficult to find any authoritative account of Gen. Doniphan's life and achievements, save, perhaps, a brief mention in biographical encyclopedias.

Mr. President, you could hardly find a more striking illustration of the old adage that "republics are ungrateful." I will not now intrude long enough upon the courtesy and current business of the Senate, at a time when time is so important, as to give an outline of the services rendered his State and country by this great Missourian. In what I have had read from the account given by Mr. Powell of "The March of the One Thousand" you will find a sufficient and very true index to the nature, extent, and value of the services Gen. Doniphan performed in that very important epoch in American history covered by the Mexican War. But that is far from being a complete account of the valuable and distinguished public services he rendered at other times and in other ways. If this man had lived in ancient times and then performed the feats of valor and wrought the achievements he did for his country's glory and good, he would have been one of the classical figures of the world's history. More, if he had lived in the older States of this Union, especially in New England, where, seemingly—and I speak it to their honor—the people have a higher regard for the perpetuation of the names of their great men than have the rest of us—if he had lived in New England, instead of on the border of our civilization, or what was then in fact the American frontier, his name and deeds would have been written about in prose and poetry, perhaps even more than Paul

Revere, and his stalwart figure, which was indeed heroic and splendid, would long since have been immortalized in marble and bronze. But as he only rode out of the then far West into the still farther West, and farther still for a thousand miles into what is even yet a foreign, if not hostile, country, bearing his banners always to victory against desperate odds, his name, instead of being immortalized, has been almost left out of history, or referred to only in a most casual way, and it has been permitted by the American people that he should be in substantial effect forgotten by his countrymen.

Gen. John Joseph Pershing is the gallant leader of another daring expedition now in Mexico. The very country covered by the Pershing expedition—an expedition full of thrill and danger—was covered by Doniphan's expedition 70 years ago.

Mr. OVERMAN. Mr. President, there is nothing that I have heard to show by what authority this gallant soldier went down into Mexico. I think the RECORD ought to show whether he went there as a freebooter or filibuster or how he went. I think we ought to know that.

Mr. STONE. He went as a part of the Volunteer Army, in the Mexican War, primarily under the command of Gen. Kearny, who went on through to California. But the Senator's inquiry illustrates what I have been saying about the forgetfulness of our really good, appreciative, and warm-hearted American people.

It is a source of infinite State pride to me that the leaders of both these remarkable expeditions to which I refer belong to Missouri and that they are manhood contributions made by my State to the glory of the Republic.

Mr. President, if it be within my power to rescue from oblivion the memory of Gen. Doniphan, this great old Missourian, than whom no finer specimen of American intellectual, moral, or patriotic manhood ever lived, it shall be done; and I know of no better way to bring that about than to have this Republic—which ought to be grateful to him—erect here at its Capital a suitable monument expressive of the Nation's appreciation of his services and as an inspiring lesson to the youth of the whole land who flock here every year to look—I am rejoiced to say—with admiration and reverence upon the heroic figures of men who have performed heroic services to their country.

I ask that the bill be referred to the Library Committee, and if that committee, of which the scholarly and distinguished senior Senator from Mississippi [Mr. WILLIAMS] is the chairman, will report the bill to the Senate, and if the Senate can be induced to consider it, I will take occasion then to lay before this honorable body a more extended account of the services of Gen. Doniphan, thus showing not only how well he deserves this tribute but how ashamed we should be that he has been so grossly neglected by the Nation and the people he served so faithfully and well.

Mr. CATRON and Mr. LIPPITT addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. LIPPITT. If the morning business is closed, I was going to ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. There is a motion pending to refer the bill to the Committee on the Library. It is a debatable question, and the Senator from New Mexico has the recognition of the Chair on that motion.

Mr. LIPPITT. Then I understand the morning business is not closed.

Mr. CATRON. Mr. President, as Col. Doniphan, sometimes called Gen. Doniphan, because he held both ranks, one as a militia general in Missouri, the other as a colonel of Volunteers in the United States, did more than any other man toward the acquisition of New Mexico by the United States and putting it into an organized shape so that it could be recognized and put into action as a community under the laws and Constitution of the United States, and as I am a native of the State from which his expedition started to New Mexico, and one of the companies which belonged to his expedition came from the county where I was born and where I lived, I feel that it is proper for me to say something upon this motion and upon the bill which has been introduced.

Col. Doniphan's memory is not unknown in Missouri nor in New Mexico. It needs no monument to resurrect it in those two States. Every man, woman, and child who is capable of reading and talking knows of Col. Doniphan in those two States. He was a pioneer and came from pioneer ancestry. His father was born in Virginia, went to Kentucky and joined Daniel Boone, where Doniphan was educated and admitted to the bar as a lawyer.

Immediately upon being admitted to the bar he removed from Missouri and took up his residence in the county of my nativity, at Lexington, in the county of Lafayette, where he resided some two or three years. During the time he was there, owing to some



possible difficulties that existed between the Mormon settlements and the other people of northern Missouri, he was appointed a brigadier general in the militia and had control of matters pertaining to those troubles. He was always a man who desired peace, and he so managed the affairs connected with those difficulties that no blood was shed, peace was kept, and harmony prevailed between the Mormons and the other people of Missouri. About three years after he settled in Missouri he moved to Clay County, where he was residing when the Mexican War was commenced.

He was a man exceedingly eloquent and prepossessing in his appearance. He was able to excite and thrill an audience. He possessed an immense amount of magnetism. When that war commenced, volunteers having been called for to the number of 50,000 by the United States, he started out through the different counties adjacent to that in which he lived, made speeches in them, and in eight of those counties raised companies which formed his regiment. They met at Fort Leavenworth in June, 1846, where they were sworn in and he was elected colonel of the regiment. They were placed under the command at that time of Col. Kearny, afterwards made brigadier general. His regiment consisted of eight companies, comprising 856 men. The entire expedition of Gen. Kearny consisted of 1,658 men. In less than 60 days they traversed the plains about 1,000 miles to Santa Fe and entered it, without shedding a drop of blood. Doniphan's command headed the column on entering Santa Fe.

On the 18th day of August, 1846, immediately after they went into camp Gen. Kearny designated Col. Doniphan to prepare a code of laws to prevail in the provisional government of New Mexico, which he at that time established. Col. Doniphan employed as his assistant Private Willard P. Hall, of the company from his county—Clay. Private Willard P. Hall afterwards served three terms—six years—in the House of Representatives of the United States from the State of Missouri. They prepared a code which was given to Gen. Kearny, who was the general at that time, which was declared to be the laws of the Territory, and was forwarded to the Government of the United States at Washington to be approved, most of which is still a part of the statutes of New Mexico. It was approved, and since I have come into the Senate, on my request, that has also been printed as a Senate document.

After remaining at Santa Fe a short time Gen. Kearny was ordered to proceed to California, but not to take his entire command. He designated the portion of the command which afterwards came to him under Gen. Price to remain in New Mexico. He first directed Col. Doniphan to make an expedition into the Navajo country to subdue those Indians who were then at war with the people of New Mexico; then to proceed to the city of Chihuahua and to report to Gen. Wool, who had been directed, under general orders which they had at that time, to proceed into Mexico and to take possession of the State of Chihuahua. Doniphan went into the Navajo country with six of his companies, rounded up that nation, which is the largest and probably the most warlike Indian nation that this country has ever had, compelled them to enter into a treaty of peace, the only peace that the Navajoes ever entered into. They were willing to enter into that peace treaty because they felt that there was some one else coming into the country who was able to protect them and guard them against the depredations of the Mexicans who had gone into that country before. In fact, a warfare of depredation only had been going on for 200 years in New Mexico between the Navajo Indians and the people of Spanish descent residing there.

A treaty of peace was made with those Indian, and they remained at peace until the breaking out of the war between the States, when they thought they might be able to drive all whites out of New Mexico, and they then made a combination with the other Indians and commenced war.

Col. Doniphan, after the making of that peace, immediately proceeded to the State of Chihuahua. In going there he encountered, with his command, which then consisted of about 1,100—there had been added to it a battery of Artillery and another company belonging to the lieutenant colonel who traveled with him, but was not of his regiment, making his command nearly 1,100—about 2,500 or 3,000 Mexicans at a place called Brasitos, 20 or 30 miles north of El Paso, in the present State of New Mexico, and defeated them without the loss of a single man to Doniphan's command and with a loss of a large number of Mexicans. He followed them rapidly into the city of El Paso, or the city of Paso del Norte, for El Paso did not then exist, being the place now called Juarez. There he had another slight engagement with the Mexican forces, won the fight, and took possession of the city of Juarez, or of Paso del Norte, and held it for two or three weeks, when he moved on to the city of Chihuahua. About 15 miles north of the city of

Chihuahua, with his eleven hundred men, he encountered about 4,500 of the Mexican Army. He had six pieces of artillery, commanded by Capt. Weightman, who returned to New Mexico after the Mexican War, and on the organization of the State government at that time was elected a United States Senator to this body, but was not allowed to be admitted because the State was not admitted under the constitution which it formed. Capt. Weightman was afterwards a prominent officer in the Confederate Army, and was killed at the Battle of Wilsons Creek, in Missouri. I belonged to his command at the time.

Doniphan met these 4,500 Mexican soldiers at a place called Sacramento. He did not hesitate for one moment when he came in sight of them. He deployed his men, moved around them, attacked them both in front and rear, and, with a loss of but 2 men killed and 9 or 10 wounded, dispersed them, killing something like two or three hundred Mexicans and wounding probably twice as many more. He drove them into the city of Chihuahua, the next day taking possession of it and holding it. It was there that he expected to report to Gen. Wool, but he did not find him. Wool, five days before, had been engaged in the Battle of Buena Vista under Gen. Taylor. Wool had been ordered not to come to Chihuahua, but that order had not reached Doniphan or Gen. Kearny, and therefore Doniphan went on, expecting to report to Wool, but, not finding him there, he proceeded within a week or two afterwards down by way of Buena Vista and Saltillo and by the capital of Coahuila on to the Gulf of Mexico.

By this time the year's service of his men for which they had enlisted had expired and he was ordered to take them home. Before leaving the city of Chihuahua he wrote a communication to Gen. Wool, having learned that Wool had been engaged in the Battle of Buena Vista, at which place they learned of that battle, and, among other things, he said in that letter that Gen. Taylor had been designated as "Old Rough and Ready." He stated that all of his men were entitled to that designation, but could go Gen. Taylor one better—that they were not only "rough and ready," but they were also "ragged."

It is a historical fact no clothing was issued to Doniphan's expedition from the time they left Leavenworth until they reached home, 12 months afterwards. They obtained their provisions en route from the time they left Santa Fe until they reached the Gulf of Mexico, where they took shipping back by way of New Orleans and by the Mississippi and Missouri Rivers to their homes. Their horses and other live stock they fed upon the grasses of the plains.

That expedition, out of 856 that composed the regiment of Col. Doniphan, did not lose exceeding 56 men in the entire expedition, and more than half of those remained in Santa Fe to help start and build up that government.

Doniphan was a man who was entitled to immense credit. Everyone in Missouri loved him. He did not seek office. He served two terms in the Missouri Legislature, being elected both times without having himself requested to be designated as a candidate. He was tendered the office of brigadier general in the Confederate Army and refused it. He was always true to the American flag. He always believed in the permanency and perpetuity of the Constitution of the United States and the Union of this Government.

It was my pleasure to know him intimately, personally. Several times I heard him address audiences on the stump. I once asked him why he did not accept the tender of the brigadier generalship in the Confederate Army. He replied, "I have lived in a community nearly every member of which sympathized with the southern people"—that is the community where he was living when the war between the States commenced—"but," he said, "my education, that of a lawyer, has been upon the Constitution of the United States, in part, and I have learned to revere it; I have learned to believe that that Constitution was intended to effect a permanent and perpetual union of the States; I did not believe that the Union ought to be severed; I did not believe that it ought to be broken up and weakened. For that reason I was unable to accept a commission in the Confederate States' Army, although I sympathized with those who were in that cause. I believe that my duty to my Government was such that I should, at least, do nothing to tear it down."

This was the character of Doniphan throughout his entire life, so far as I knew him—and I knew him for about 20 or 30 years before his death; in fact, he was one of the board of curators of the University of the State of Missouri at the time I graduated. That was where I first met him and came in contact with him.

I believe that this bill ought to pass; but, as I have thought about it, I have come to the conclusion that the monument ought to be erected to the memory of "Doniphan and his

men," because he had a lot of men—856 of them—the whole of one company of which I knew as well as many members of other companies, who were unsurpassed in character, energy, intelligence, morality, and courage by any men that this country or any other country has ever produced. They were men who believed in the Government of the United States and its institutions; they believed whenever they were called to defend it or act in behalf of it that it was their duty to go and to act, and their conduct throughout that whole campaign showed what they thought and what they were. They are entitled to credit, and if this bill passes, I think eventually that the name of every man who belonged to that regiment and to that command ought to be somewhere engraved upon the monument.

Mr. BRANDEGEE. Mr. President, before the Senator from New Mexico takes his seat, let me ask him in relation to the very interesting remarks which he has made if he has put into the RECORD anywhere the name of the author of the history of Col. Doniphan's expedition?

Mr. CATRON. That has been put in the RECORD by the Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. I was not on the floor at the time.

Mr. CATRON. John T. Hughes was the author of the history. He was one of the commissioned officers of Doniphan's command.

Mr. BRANDEGEE. I am glad that it will be in the RECORD.

Mr. REED. Mr. President, I only desire to add a word to what has been so well said. The heroic character of Doniphan and the heroic achievements of Doniphan's men ought to be commemorated. As a Missourian, I thank the Senator from New Mexico for his very eloquent and forceful remarks. The State of Missouri is interested deeply in paying proper tribute to the memory of the gallant Doniphan and in commemorating his deeds in a suitable and proper way. My colleague [Mr. STONE] has so well presented this bill that I only desire to say that I am in the most hearty accord with the sentiments of the bill, and with the remarks made by both the distinguished Senators who have preceded me.

Mr. STONE. I withdraw the motion to refer the bill, and ask that the bill be referred under the rule.

The VICE PRESIDENT. The bill will be referred to the Committee on the Library.

#### RIVER REGULATION AND FLOOD CONTROL.

Mr. NEWLANDS. Mr. President, on the 11th of April I made some remarks, which appeared in the RECORD, upon the subject of river regulation and flood control, and I then had inserted in the RECORD the telegram from the New Orleans Association of Commerce addressed to Hon. William C. Redfield regarding the flood situation, the necessity for immediate action, the pledges of the Democratic Party, and the assurances given by the President upon this subject. I also had inserted in the RECORD recommendations made to the President by Secretaries Franklin K. Lane, D. F. Houston, and William C. Redfield, of the Interior, Agricultural, and Commerce Departments, respectively, indicating the form of organization that water development, in their judgment, should take. That recommendation was afterwards concurred in by Mr. Baker, the present Secretary of War. I alluded in that statement to the legislative situation, referring to the fact that there had been long pending in this body a bill introduced by myself, generally known as the Newlands-Broussard bill, and another bill fathered by the Senator from Louisiana [Mr. RANDELL] and by the Representative from Mississippi [Mr. HUMPHREYS]. I referred in that statement to this bill introduced by myself, which is general in character, embracing every watershed in the country, and providing for coordination of bureaus and services now engaged in work regarding the development or use of water, cooperation with the States, and an ample fund for consecutive work; and also referred to the so-called Ransdell-Humphreys bill, which related simply to the lower Mississippi.

I also referred to the organization by the House of a Committee on Flood Control, which took jurisdiction over rivers, theretofore covered by the Committee on Rivers and Harbors, and I referred to the question of jurisdiction, urging that inasmuch as the very basis of all this legislation was the power of the Nation over interstate commerce, and as every scheme of development of these rivers must include the promotion of navigation and of interstate commerce, the jurisdiction of these bills attached to the Senate Interstate Commerce Committee, rather than to the Commerce Committee.

Mr. President, in continuation of the remarks made at that time, and with a view to making a statement now that can be read by those who wish to take part in the consideration of my motion to refer the bill which has just come over from the House, called the bill for flood control, to the Interstate Com-

merce Committee instead of the Commerce Committee. I wish to ask leave to insert in the RECORD my correspondence with Mr. HUMPHREYS relating to this legislation, as well as the bills themselves.

I wish to state in that connection that it was assumed that the supporters of the Newlands-Broussard bill and of the Ransdell-Humphreys bill would unite in accepting the recommendations made by these departmental chiefs after full consultation with us.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. KENYON. In order that I may follow the Senator's discussion, I should like to inquire whether the bill that passed the House is the one known as the Ransdell-Humphreys bill?

Mr. NEWLANDS. It is known as the Humphreys bill. I believe the same bill was introduced in the Senate by the senior Senator from Louisiana [Mr. RANDELL].

Mr. KENYON. And the Senator's bill is known as the Newlands-Broussard bill?

Mr. NEWLANDS. Yes.

I say, it was assumed that the supporters of those bills would unite in a bill embodying the recommendations of the departmental chiefs. That was clearly the understanding, so far as the junior Senator from Louisiana [Mr. BROUSSARD] and myself were concerned, with the senior Senator from Louisiana [Mr. RANDELL]. Mr. HUMPHREYS was detained by illness and was unable to be present at the conference of the departmental chiefs, but it was assumed that the senior Senator from Louisiana [Mr. RANDELL] spoke for him. Later on it developed that this was a mistake; but, in pursuance of the original understanding, as I supposed, I collaborated with the Secretary of Agriculture and his solicitor—an excellent lawyer, and skilled in bill framing—regarding a bill which would embrace the recommendations made, after consultation with us, by the departmental chiefs; and I sent this bill to Mr. HUMPHREYS, with the suggestion that it would expedite legislation if he would introduce it in the House and I would introduce it in the Senate. I was surprised to receive a reply declining to introduce it in the House, and the result was that I have not introduced it in the Senate but have offered it simply as an amendment to the river and harbor bill.

I immediately took hold of the old Newlands-Broussard river-regulation bill, however, reduced its size and dimensions, withdrew all those portions providing for liberal appropriations, and for an ample fund, and confined the bill mainly to the recommendations of the departmental chiefs, with, however, some variation as to the Mississippi River, substituting for an appropriation of \$45,000,000 for work upon the Mississippi River a total appropriation of \$60,000,000 divided between all the watersheds of the country, with \$25,000,000 of it apportioned to the Mississippi and Illinois Rivers, thus providing for a continuous, highly developed waterway from the Lakes to the Gulf.

Mr. CLARKE of Arkansas. Mr. President, I object to the Senator occupying the time further at this point, even for a motion to refer. It is not debatable until 2 o'clock. There is nothing pending before the Senate.

Mr. NEWLANDS. I will ask, then, the letters to which I have referred be inserted in the RECORD.

Mr. CLARKE of Arkansas. I have not any objection to that.

Mr. NEWLANDS. I will state that another sentence would have finished my remarks, and it was entirely unnecessary for the Senator from Arkansas to intervene.

The VICE PRESIDENT. In the absence of objection, the letters referred to will be published in the RECORD.

The letters referred to are as follows:

APRIL 8, 1916.

HON. B. G. HUMPHREYS,

House of Representatives.

MY DEAR MR. HUMPHREYS: I have been in collaboration with the Secretary of Agriculture and the Solicitor of the Agricultural Department with a view to framing a bill which would put in concrete form the recommendations to the President made by the interdepartmental committee, consisting of Secretaries Lane, Houston, and Redfield, after submission to and approval by Senators RANDELL, BROUSSARD, and myself, at a meeting at which, unfortunately, you were unable to be present.

These recommendations have been forwarded to you and to myself by the President, and were read by me into the record of my remarks at the recent hearing before the Flood Control Committee.

Secretary Houston was of the opinion that the passage of a comprehensive measure would be simplified and expedited if we could agree upon a tentative bill to be introduced by yourself in the House and by myself in the Senate at the same time, and that the committees of both the Senate and the House could proceed with such a tentative bill as a basis and reach a speedy conclusion.

Would you kindly look over the bill inclosed and make such suggestions and alterations as you think advisable, and let me know whether it would be agreeable to you for us to introduce whatever bill is agreed upon, on the same day?



I can not urge upon you too strongly the importance of uniting with the specific indorsement of the Mississippi and Sacramento River projects, a comprehensive plan of administrative coordination, including all four of the departments, which will facilitate the gradual development of all the watersheds of the country and the conservation of our water resources.

I am sure that any bill which fails to equally recognize all the departments or which confines legislative action entirely to one or two watersheds will arouse so much antagonism that the passage of such a bill at this session would be impossible.

Very truly, yours,

FRANCIS G. NEWLANDS.

COMMITTEE ON FLOOD CONTROL,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., April 10, 1916.

Hon. F. G. NEWLANDS,  
United States Senate.

MY DEAR SENATOR NEWLANDS: Your letter of April 8, inclosing draft of bill prepared by you in collaboration with the Secretary of Agriculture and the solicitor for that department is received, and I have read it with much interest.

I am sorry that I can not agree with your view in this matter, but I am quite certain that the Committee on Flood Control would not consent to the creation of such an overhead commission as is suggested. I think it will be entirely possible to frame a bill which will comply with the recommendations of the Cabinet officers in their note to the President, in most of its essential elements, but I can not bring myself to the belief that it would be desirable in any aspect of the case to have the four executive departments mentioned attempt to do the work which ought to be under one executive head.

After a great deal of study of this question and very general conferences with the membership of the House of all political faiths, I have arrived at the conclusion that no bill would have the remotest chance of passage which undertook to deal with the matters provided for in your bill in a manner so thoroughly comprehensive.

Hoping, should the House pass the bill which will be reported by the Committee on Flood Control, that you will find it possible to give it your support in the Senate, and with many thanks for your interest in the matter and your courtesy in forwarding me the copy referred to,

Very truly, etc.,

BEN. G. HUMPHREYS.

APRIL 12, 1916.

Hon. B. G. HUMPHREYS,  
House of Representatives.

MY DEAR MR. HUMPHREYS: I regret exceedingly to learn that you do not feel that you can support the recommendations of the interdepartmental committee, consisting of Secretaries Lane, Houston, and Redfield, regarding the coordination of the Departments of War, Interior, Agriculture, and Commerce, in which are gathered all of the various engineering and scientific services that relate to the control, development, or beneficial use of water.

I regard this as a vital point in the proposed legislation. These various services must be coordinated in some way if we are to enter upon a comprehensive development, and as they can not be gathered together in one department, I can imagine no better way than through the organization of a waterways council or commission, composed of department chiefs, with the President at the head, thus keeping the Chief Executive in practical touch with the work of all of the various coordinated services.

Believe me, very sincerely, yours,

FRANCIS G. NEWLANDS.

The bills referred to are as follows:

THE HUMPHREYS BILL AS IT PASSED  
THE HOUSE MAY 17, 1916.

An act (H. R. 14777) to provide for the control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$45,000,000: *Provided*, That not more than \$10,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, for controlling the floods and for the general improvement of the Mississippi River, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, and a survey of the Atchafalaya Outlet so far as may be necessary to determine the cost of protecting its basin from the flood waters of the Mississippi River either by its divorce from the Mississippi River or by other means, and for salaries, clerical, office, traveling, and

THE NEWLANDS BILL INTRODUCED IN  
THE SENATE APRIL 24, 1916.

A bill (S. 5736) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies, and for other purposes.

Be it enacted, etc., That the sum of \$80,000,000, to be apportioned as hereinafter provided, is hereby reserved, set aside, appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the "river-regulation fund," to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United

States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments and other bank-protective works, spillways, wasteways, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act.

(b) That no money appropriated under authority of this section shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable but which shall be not less than one-half of such sum as may have been allotted by the commission for such work: *Provided*, That such contributions shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district except with the approval of the authorities of the State or district so contributing.

(c) Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of the Passes and Rock Island, Ill.

(d) No money appropriated under authority of this act shall be expended in payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred by any State or levee district in securing such rights of way, or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

That the watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements now under way or hereafter to be undertaken.

Upon the completion of any levee constructed for flood control under authority of this act, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

#### SACRAMENTO RIVER, CAL.

SEC. 2. That for controlling the floods, removing the debris, and continuing the improvement of the Sacramento River, Cal., in accordance with the plans of the California Debris Commission, the Secretary of War is hereby authorized and directed to carry on continuously by hired labor or otherwise, the plan of said commission contained in its report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, as modified by the report of said commission submitted February 8, 1913, approved by the Chief of Engineers of the United States Army and the Board of Engineers for Rivers and Harbors, and printed in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, in so far as said plan provides for the rectification and enlargement of river channels and the construction of weirs, to be paid for as

States, and by preventing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments and other bank-protective works, spillways, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act.

The aforesaid sum of \$80,000,000, appropriated as hereinbefore provided, shall be apportioned for expenditure under this act as follows:

(a) \$25,000,000 to the Illinois River and its watershed and to the Mississippi River from the mouth of the Illinois to the Head of the Passes, including the Atchafalaya River as one of the mouths of the Mississippi River, to be expended for the improvement of the Illinois River and for continuing the improvement of the Mississippi River from the Head of the Passes to the mouth of the Illinois River, for the control of floods thereon, and the establishment of a waterway from the Lakes to the Gulf; (b) \$5,000,000 to the watersheds of the Ohio River and its tributaries, for the control of floods thereon, and the consequent improvement of navigation; (c) \$5,000,000 to the watershed of the Mississippi River above the mouth of the Illinois River; (d) \$5,000,000 to the watersheds of the Missouri River and all other tributaries of the Mississippi River, except the Ohio, from the mouth of the Illinois River to the Gulf and all rivers draining into the Gulf of Mexico west of the Mississippi River; (e) \$5,000,000 to the watersheds of the rivers draining into Canada, the Great Lakes, and the Atlantic Ocean and rivers draining into the Gulf of Mexico east of the Mississippi River; (f) \$5,000,000 to the watersheds of all the rivers draining into the Pacific Ocean in Oregon and Washington, including the Columbia River watershed; (g) \$5,000,000 to the watersheds of the rivers draining into the Sacramento and San Joaquin Valleys and into the Pacific Ocean north of Santa Barbara, in California; (h) \$5,000,000 to the watersheds of all other riv-

appropriations may from time to time be made by law, not to exceed in the aggregate \$5,600,000: *Provided*, That not more than \$1,000,000 shall be expended therefor during any one fiscal year.

(a) All money appropriated under authority of this section shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the California Débris Commission, as approved by the Chief of Engineers, for the control of floods, removal of debris, and the general improvement of the Sacramento River: *Provided*, That no money shall be expended under authority of this section until assurances have been given satisfactory to the Secretary of War (a) that the State of California will contribute annually for such work a sum equal to such sum as may be expended annually therefor by the United States under authority of this section; (b) that such equal contributions by the State of California will continue annually until the full equal share of the cost of such work shall have been contributed by said State; and (c) that the river levees contemplated in the report of the California Débris Commission, dated August 10, 1910, will be constructed to such grade and section and within such time as may be required by said commission: *Provided further*, That said State shall not be required to expend for such work, for any one year, a sum larger than that expended thereon by the United States during the same year: *And provided further*, That the total contributions so required of the State of California shall not exceed in the aggregate \$5,600,000.

(b) All money contributed by the State of California as herein provided, shall be expended under the direction of the California Débris Commission and in such manner as it may require or approve, and no money appropriated under authority of this section shall be expended in the purchase of or payment for any right of way, easement, or land acquired for the purposes of this improvement, but all such rights of way, easements, and lands shall be provided free of cost to the United States: *Provided*, That no money paid or expense incurred therefor shall be computed as a part of the contribution of the State of California toward the work of improvement herein provided for within the meaning of paragraph (a) of this section.

(c) Upon the completion of all works for flood control herein authorized the said works shall be turned over to the State of California for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

#### GENERAL PROVISIONS.

SEC. 3. That all the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable, to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds hereafter appropriated for works and projects relating to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds; and the report thereon, in addition to any other matter upon which a report is required, shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of

ers in California and the Great Inland Basin and the Colorado River.

#### NATIONAL WATERWAYS COUNCIL.

SEC. 2. That a national waterways council, hereinafter called the council, is hereby created, consisting of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the water-control board, to be appointed as hereinafter provided.

The council shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

All plans and estimates prepared by the water-control board, as hereinafter provided, which contemplate or provide for expenditures from the river regulation fund shall be submitted to the council for final approval before any of the expenditures therein provided for or contemplated are authorized or made or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the water-control board shall have full power to act, and shall report in detail his action in every case to the council at its next meeting after his action.

#### WATER-CONTROL BOARD.

SEC. 3. That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water-control board, hereinafter called the board, which shall consist of a chairman, to be appointed by the council, and four assistant secretaries, to be appointed as hereinafter provided, and such additional members as the council may from time to time appoint. The chairman of the board shall receive a salary of \$12,000 per annum, each assistant secretary aforesaid shall receive a salary of \$10,000 per annum, and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, it shall be the duty of the board to ascertain in detail the work in progress and obtain plans, recommendations, and estimates of the work contemplated in the general field of water conservation, control, and utilization by the various agencies of the Government, States, counties, municipalities, districts, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own surveys and investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization, extending through a number of years, with comprehensive general plans for each watershed, treating the entire watershed of each river as a unit, and with specific projects, plans, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring into conference the various agencies of the Government; and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money

water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, upon the request of the Secretary of War, detail representatives from their respective departments to assist the engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon, shall be submitted to the Secretary of War by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors, upon request of the Committee on Rivers and Harbors, relating to works or projects of navigation, shall in like manner be made, upon request of the Committee on Flood Control, on all works and projects relating to flood control.

SEC. 4. That the salary of the civilian members of the Mississippi River Commission shall hereafter be \$5,000 per annum.

and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. The board is hereby authorized to expend from the sums herein provided such amounts as may be necessary for services of employees in the city of Washington, D. C., and elsewhere; to pay therefrom such sums as may be necessary for office accommodations in the city of Washington, D. C., and elsewhere, and to purchase such law books, books of reference, periodicals, engineering, statistical, and professional publications as may be needed. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act, and money so received shall be paid into the river regulation fund herein created. Subject to the approval of the council, the board is authorized to enter into such contracts or carry on by hired labor or otherwise such work as may be necessary for carrying out the purposes of this act, within the limits of appropriations made or authorized by this act or appropriations or contributions which shall be hereafter made or authorized from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council, the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

#### COOPERATION WITH STATES AND OTHER AGENCIES.

SEC. 4. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of State, municipalities, public and quasi public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the council shall determine to be a just and equitable apportionment of work, costs, and benefits under all the circumstances in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the



highest development and utilization of the waterways and water resources of the United States.

APPOINTMENT OF WATER-CONTROL BOARD.

Sec. 5. That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed; shall devote his time primarily to the work authorized by this act; shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work; shall serve during good service and behavior; and shall be removable by the head of the department only for good cause.

RIVER-REGULATION FUND.

Sec. 6. That no sums shall be paid out of the river-regulation fund except on vouchers signed by the chairman of the board or by an official designated by him in writing, drawn on the Secretary of the Treasury. To provide for carrying out the projects formulated under this act, which involve expenditures in excess of the \$60,000,000 herein appropriated to the river-regulation fund, the appropriation hereafter to the credit of said fund of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide all or any part of the appropriation made or authorized by this act or which may be hereafter made or authorized or to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August 5, 1909 (36 Stat. L., 11, 117), the act of February 4, 1910 (36 Stat. L., 192), and the act of March 2, 1911 (36 Stat. L., 1013). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be paid into the river-regulation fund and shall be available until expended and paid out as provided for in this act. All moneys received in connection with any operations under this act as well as from the sales of materials utilized and any condemned property, shall be covered into the "river-regulation fund" and be available for expenditure therefrom. It is the intent and purpose of this act to authorize and empower the council and the board and their officers, agents, and employees to do all necessary acts and things in addition to those specially authorized in this act to accomplish the purposes and objects hereof.

The VICE PRESIDENT. The morning business is closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CLARKE of Arkansas. I ask that the Senate resume the consideration of the river and harbor bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. CLARKE of Arkansas. I think the Senator from Colorado [Mr. THOMAS] expects to address the Senate at this time.

Mr. THOMAS. Mr. President, I shall address myself to this bill as a whole rather than to any of its specific items or to any amendment which the Senate Committee on Commerce has reported.

My principal reason for speaking upon the bill at all, if any reason be needed, is due to its general character, to the large aggregate appropriation which it carries, and to the fact that its distribution over so many States through the assembling of so many specific items indicates either a lack of system in the disposal of the public money for the ostensible purpose of improving rivers and harbors, or a deliberate distribution is

designed for the benefit of the different localities where rivers and harbors are located, or to both.

I am not vain enough, Mr. President, to imagine that any criticism of mine will seriously affect the ultimate disposition of the bill, either in its present form or as it may be amended. But inasmuch as I took occasion to submit some remarks upon a bill of similar character at the last Congress, carrying, as I recall a much larger aggregate appropriation than this one, I have decided that it might not be amiss to repeat some of the objections which I then thought were pertinent to the bill, in the hope that their reiteration now, and perhaps hereafter, on similar occasions, might, like drops of water upon a stony surface, make some ultimate small impression.

There is no question that the appropriation of money for the improvement of our rivers and harbors in the interest of navigation constitutes one of the recognized powers of Congress, and a perfectly legitimate and highly desirable subject of public expenditure. The use of our streams and harbors for the development of traffic and the promotion of commerce and industry appeals very properly to every citizen who desires the welfare of this country promoted and its general prosperity increased. Indeed, the universal existence of that sentiment has had much to do with the growth of a system of legislation, manifesting itself in this and other appropriation bills, which not only accomplishes the purpose designed, but which goes farther and satisfies what might be called not only a long-felt but an insatiable want, to wit, the appropriation of moneys for local expenditure founded upon the ostensible purpose but foreign to it. This, in turn, has given rise not only to complaints and criticisms which though making little impression upon our course of legislation has crystallized in the coinage of names applicable to such bills, by which they are now generally, if not universally, known outside the Halls of Congress.

Before speaking to the bill itself, it may perhaps be also appropriate that I should say that the expenditures of the Government, and the alarming increase in their aggregate amount, and what seems to me to be the imperious present necessity of economizing wherever possible and limiting these expenditures as much as existing conditions will permit, constitutes an additional reason for taking the time of the Senate and engaging in this discussion.

It has been a constant and, in some respects, a monotonous practice of Senators upon the other side of the Chamber when bills were under consideration carrying appropriations, and especially when these appropriations were considerable, to remind the Democratic majority of the Baltimore platform, and particularly of that plank which commits the party to a course of economy in the administration of public affairs and which at the same time denounces the reckless extravagance of the Republican Party in that regard. Of course I recognize the practice as perfectly legitimate, and I am obliged also to recognize the fact that the occasions for these reminders are constant and of increasing frequency. I am impressed, Mr. President, with these reminders, but I am much more impressed with the fact that up to this time, at least, they seem to have made little, if any, impression elsewhere. I am impressed with them not alone because of the position which the party to which I owe allegiance has taken upon the subject, but because I perceive no disposition on either side of the Chamber to make this assurance an actuality or any great amount of desire outside of the Chamber on the part of the people in general to insist upon it or even to request it. Indeed, if I am any judge at all of the popular wish with regard to public expenditures, it is that they should be increased instead of being diminished, provided only and always that the increases shall be made in certain desired directions beneficial to this or that section of the country; the decreases, if any, to be made in other directions and designed for other ends and purposes.

Public opinion with regard to expenditures, in other words, is very much like public industrial opinion with regard to the tariff, at least among those who profess adhesion and allegiance to the Democratic theory of protection. It is that economies should be everywhere applied, except with regard to those who are asking appropriations for specific purposes of interest to themselves. These are concerned directly with the appropriations which they wish to see exempted from a general rule of economy, because they are assumed to be essential and beneficial to the interests or to the sections thus involved; and, of course, what is true of one is true of every part of the country. Just as in tariff matters the desire of the woolgrower to be exempted from impost reduction, the desire of the sugar producer for a continuation of his protection, and the insistence of the manufacturer that raw material should be admitted free while his manufactured product should enjoy the beneficent paternalism of the Government expressed in the shape of duties.

These clamoring insistentencies nearly always result in no reductions at all. So in appropriations these varying views and desires, conflicting at first and then combining, result in increased appropriations and larger and larger supply bills.

And such will it be, Mr. President, I am afraid, until our expenditures reach an aggregate so appalling in its magnitude as to force upon the taxpayers of the country a realizing sense of their supreme interest in the expenditure of the public revenues as they should be in its collection, a situation which will be inevitable if we continue our methods of disbursement. For we must tax if we would spend, and if we shall, as I hope, resort to direct and forego indirect taxation, we may be sure that the people will then inquire what we are doing with their money.

I have noticed, too, Mr. President, that those most clamorous for appropriations from the Public Treasury, who are most eager to receive monetary benefits from the General Government, are the identical ones who first rebel and always protest most vociferously against increases of taxation.

It was said in a jocular way some years ago of a certain Member of Congress that his code of political ethics prompted him to always favor appropriations and oppose tax bills. Unfortunately, however, no country can operate upon such a principle and at the same time avoid the courts of bankruptcy. What we expend we must provide. That fund which we devote ostensibly at least to the public good must be gathered from the people of the country and placed in the Federal Treasury. The day comes in every instance when the Congress which appropriates must pay the piper or pass the problem on, and when the self-created necessity of raising added revenue and thus increasing the public burdens faces an administration, which continues its methods of appropriation, the revulsion is bound to come which for the time being at least will enforce a due regard for frugal expenditure.

It is a good thing for the Nation and for us when such a crisis comes. In this period of unexampled and abundant prosperity, when the tides of business have reached a high-water mark never before known to our commercial history, when money is pouring into the land in such prodigious quantities that its fortunate owners are embarrassed in its investment, when the cry of preparedness is abroad in the land, which is the equivalent of added expenditures of enormous amounts, the day of retrenchment is doubtless more remote than it ought to be, but it is coming just the same, and I want to be in a position, as far as I am personally concerned, where I can recall that I have uttered an occasional word of warning and placed myself squarely on record as an advocate of economy in public administration.

I freely concede, Mr. President, that I have introduced many bills calling for appropriations and have voted for many more. I make claim to no superiority either of capacity or of conviction over my associates upon this floor, or to the possession of any greater virtue or conscience. We are all here charged with a public duty, and I am convinced that every Member of the United States Senate in the discharge of that duty is actuated by motives and convictions as sincere and as pure and doubtless as substantial as any to which I can lay claim.

What I have to say upon this subject is therefore dictated neither by any sense of party advantage nor by any impulse which, in my judgment, is more lofty than those actuating the policy and the record of my associates.

Indeed, Mr. President, this leads me to refer to the fact that so far as economy in public expenditures or public administration is concerned there can be no difference whatever between that side of the Chamber and this. If there be any difference except in detail I have not been able to discover it. I think it is therefore perfectly legitimate for me to indulge the conclusion that much of the warning, much of the reminder of the Baltimore platform from the distinguished Senators upon the Republican side of the Chamber, is due to the fact that this side is responsible for the Government that, being in power, our actions do not square with our assertions, and that we must take the responsibility flowing from a disregard of our own pledged promises, and except here and there not to any desire for economy or frugality or even wish it, much less, except in individual instances, to insist that appropriations should be minimized instead of being increased.

The junior Senator from Iowa [Mr. KENYON] has addressed the Chamber at some length in opposition to this bill. During the first day which he occupied in that discussion he referred to many of the bills which at this session have been enacted into law carrying appropriations, and in that connection to the platform to which I have just adverted. I do not doubt that he approves the sentiment of that plank in the platform just as heartily as I do. I do not doubt that theoretically at least it finds fitting response in the breast of every Senator.

The Senator from Kansas [Mr. CURTIS] last Saturday, speaking upon the same subject, gave some estimates of the amount of money which thus far has been appropriated by the present Congress and of those which probably have to be provided for. I quote an extract from his speech on page 8949 of the Record. He says:

I call your attention to the appropriations of the Sixty-third Congress and the estimates for the first session of the Sixty-fourth Congress. The Sixty-third Congress appropriated in its two sessions, for the two fiscal years 1915 and 1916, a total of \$2,231,055,150, which was more than double the appropriations of the Fifty-first Congress; and this vast sum of over \$2,000,000,000 does not cover all the money appropriated for the years 1915 and 1916, for it has taken four urgent deficiency bills so far this session, covering \$25,731,229, to make up deficiencies for 1916.

More than that, the estimates submitted to this session of the present Congress for the next fiscal year amounted, for one year only, to \$1,287,857,808. To that you must add the deficiency appropriations of this session, which will go into the report of the next Congress, which will make \$1,311,588,000 appropriated by this session of this Congress for the fiscal year 1917, and that does not include appropriations for several measures which have passed this body and which will no doubt become laws before this session adjourns.

I think—

Says the Senator—

the time has come when we should call a halt upon the extravagance of this administration.

In that I agree.

It came into power under a promise of economy, but the records show that it has been the most extravagant in the history of the country, and the estimates for this year far exceed the estimates that have ever been sent to any Congress in the history of the country.

It is true, Mr. President, that in considering this subject, allowance must be made for the growing demands of an expanding people and an expanding Government. Allowance, too, must be made for the increasing activities of a Government like ours requiring of necessity an expanding growth in appropriations because of them.

So far as that element of increase is concerned no man can find any exception. It is those increases which are not essential or not essential at the present time and those new appropriations which are practically wasted or at least do not bring to the Government the corresponding consideration that should result from their expenditure to which the pruning knife should be applied.

The Senator goes on and declares that—

We, as representatives of the people, should stand for the reduction of taxation and for the strictest economy in the administration of the affairs of the Nation.

Nobody doubts that for a moment. He also says:

We on the Republican side advocate this because it is right, and it is our duty in making appropriations to practice the strictest economy and only make such appropriations as are actually necessary and which will result in benefit to the people.

I think I may say that we on this side of the Chamber also advocate it because it is right. In fact, every man must advocate it because it is right and plainly right, and because there can be no dispute about the proposition.

It is also equally clear, self-evident, indeed, that it is our common duty in making appropriations to practice the strictest economy, as the Senator states.

Now, Mr. President, I quote from the Senator from Kansas not because his remarks are unique, but because his is the latest utterance from that side of the Chamber upon the general proposition. We have heard it elsewhere. While I am not attempting to evade the responsibility which necessarily rests upon this side of the Chamber, I think it is perfectly proper for me to remind Senators upon the other side that if their practices square with their assurances, their warnings, and their reproaches, I think there would be sufficient strength upon this side of the Chamber uniting with them to control the expenditures of the Government in the interest of economy.

While listening to the Senator's utterances it occurred to me that perhaps the record of Republican Senators for economy at this session of Congress might or might not support the contention that as Republicans Senators upon the other side of the Chamber not only urged the necessity of frugality in public expenditures, but squared their conduct with their belief.

I therefore caused an investigation to be made of the number of bills calling for appropriations which have been introduced by each Republican Senator in the Chamber from the first day of the present sessions of the Sixty-fourth Congress to about May 10, with a showing of the total of appropriations asked by each Senator and the aggregate of public moneys demanded by them.

This statement, Mr. President, to which I refer includes only bills asking for specific sums. It could not well include those calling for a "sufficient appropriation" to carry into effect the object of the bill. Neither does it include bills referring cases



to the Court of Claims for adjudication. Bills granting pensions I have computed for the year, and bills granting increase of pensions have been computed arbitrarily upon a basis of 50 per cent increase, which I think is conservative.

The result, Mr. President, does not, to my mind at least, convey the assurance that the Republican Members of this Chamber speaking generally—there are exceptions—have exhibited any greater love for economy than have the Senators upon this side of the Chamber.

Of course, the question may be asked why I did not compute the bills of Senators on both sides. I was well aware, Mr. President, that giving the result of my computation to the Senate the capable and industrious Members upon the other side would spare me the necessity of doing that work by doing it themselves.

I give now, Mr. President, the result of my investigation, taking the Senators in alphabetical order:

Senator BORAH has introduced 57 bills calling for an aggregate appropriation of \$5,064,014.14.

Senator BRADY, his colleague, has introduced 31 bills calling for an aggregate appropriation of \$388,866.15.

Senator BRANDEGEE, 46 bills, with the modest total of \$8,306.

Senator BURLEIGH, 100 bills, calling for an aggregate appropriation of \$26,970.

Senator CATRON, 69 bills, aggregating \$1,053,577.15.

Senator CLAPP, 61 bills, calling for \$785,672.11.

My genial friend, the senior Senator from Wyoming [Mr. CLARK], is entitled to the unique credit, including the Senators on both sides, of introducing only 6 bills, calling for \$1,363.

Senator COLE, of Rhode Island, has introduced but 3 bills, calling for \$2,860.

Senator CUMMINS, 48 bills; total amount asked for, \$142,163,237.47. I should say in this connection, however, that two of the Senator's bills, each for \$69,000,000, seem to be duplicates, although offered at different times, designed to make appropriations for the same purpose; that is, to increase the efficiency of the National Guard.

Senator CURTIS, 263 bills, calling for \$246,642.37.

Senator DILLINGHAM, 25 bills, calling for \$5,507,698.

Senator DU PONT, 21 bills; aggregate amount, \$54,528.50.

Senator FALL, 10 bills, \$1,271,013.

Senator GALLINGER, 47 bills, aggregating \$4,799,650.

Senator GOFF, 13 bills, aggregating \$6,726.

Senator GRONNA, 13 bills; total, \$301,660.

Senator HARDING, 29 bills; total amount asked for, \$19,839.69.

My distinguished friend from Washington [Mr. JONES], who has frequently read to us the celebrated economy plank of the Baltimore platform, has introduced 203 bills, calling for \$23,573,345.51.

Senator KENYON, 8 bills, aggregating \$69,606.20.

Senator LA FOLLETTE, 22 bills; aggregate, \$541,256.

Senator LIPPITT, 15 bills; aggregate, \$2,796.

Senator LODGE, 27 bills, calling for \$2,281,919.12.

Senator McCUMBER, 88 bills, calling for \$11,351,968.54.

Senator McLEAN, 187 bills, the total amount asked for being \$314,130.86.

Senator NELSON, 39 bills; total asked for, \$16,046,131.48.

Senator NORRIS, 16 bills, calling for \$17,035,220.

Senator OLIVER, 24 bills, calling for \$312,327.50.

Senator PAGE, 12 bills, \$132,636.

Senator PENROSE, 234 bills, calling for \$587,383.16.

Senator POINDEXTER, 34 bills; total, \$6,013,266.70.

Senator SHERMAN, 102 bills; amount, \$973,900.51.

Senator SMITH of Michigan, 69 bills, calling for \$285,918.14.

Senator SMOOT, 50 bills, calling for \$479,708.03. To that, Mr. President, should be added the Senator's proposed substitute for the highway bill providing for the issue of bonds in the modest amount of \$500,000,000. That added to my distinguished friend's total puts him in the same position with regard to appropriations that he enjoys otherwise as the acknowledged and capable leader of the minority in this body, a position he has fairly earned by his genius for hard, constant, and unremitting industry.

Senator STERLING, 20 bills; total, \$380,914.

Senator SUTHERLAND, 13 bills, \$256,057.50.

Senator TOWNSEND, 51 bills, \$18,622.52.

Senator WADSWORTH, 10 bills; total, \$251,366.81.

Senator WARREN, 38 bills; total, \$5,702,732.61.

Senator WEEKS, 37 bills; total, \$214,271.85.

Senator WORKS, 38 bills; total, \$52,934,015.03. To that must be added the Senator's amendments to the good roads bill, one calling for \$100,000,000 to be used in the purchase of property between here and the White House and the other calling for \$600,000 to be used in the purchase of Snow Court, the demolition of its buildings, and the erection of suitable and desirable structures to be rented to tenants. The total, inclusive of addi-

tions proposed to the road bill, is \$301,462,207.65. Adding to these the other items I have mentioned, our friends who clamor for Democratic economy on the other side of the Chamber have up to date offered bills which, if allowed, would call for an aggregate appropriation of \$902,062,207.65.

But I want to be fair about this matter, and, therefore, one of the bills of Senator CUMMINS duplicating the other, and each calling for \$69,000,000, should be deducted from this aggregate, leaving, therefore, the modest sum of \$833,062,207.65 for appropriations requested.

Mr. KENYON. I should like to ask the Senator—

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. In just a moment. I have a list of the numbers of each of the bills introduced by the Senators, which I think will confirm the estimate made here, and to which Senators are entirely welcome if they care enough about this proposition to see whether the figures and the numbers are correct. I now yield to the Senator from Iowa.

Mr. KENYON. I simply wanted to ask what was the bill of my colleague [Mr. CUMMINS] which the Senator referred to as carrying \$69,000,000.

Mr. THOMAS. It was designed to increase the efficiency of the National Guard. It was introduced twice, on each occasion calling for the same amount.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield to the Senator.

Mr. SMOOT. I was merely going to say to the Senator that he must know not one-tenth of 1 per cent of those appropriations asked for will be allowed by this Congress. Does he not know that?

Mr. THOMAS. No; I do not, Mr. President. Of course, I know that the great majority will not be allowed, but what were they introduced for? For recreation?

Mr. SMOOT. Mr. President, the Senator knows why many of them were introduced. Among them are bills that have been introduced each Congress, I suppose, for the last 20 years calling for the same appropriations. I myself can not say why they are so introduced. As far as the appropriation of \$500,000,000, introduced by myself as a substitute for the good-roads bill, is concerned, I did not introduce it; I offered it as an amendment, and it would not have taken a dollar of appropriation from the Government Treasury. In that particular I think the Senator has overdrawn the condition. For instance, bills which have been introduced asking for appropriations have been duplicated by other Senators asking for exactly the same thing.

I am quite sure, if the Senator will follow out the appropriations proposed to be made from the list he has just read, there will not be at the end of the session one-tenth of 1 per cent of them that will become laws.

Mr. THOMAS. I trust, Mr. President, that my friend will prove to be a prophet.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I always yield with pleasure to my friend from Idaho.

Mr. BORAH. I wish to ask the Senator if he can account for the fact that the bill for \$69,000,000 for the National Guard did not get through.

Mr. THOMAS. I think it was largely due to the argument made on the floor by the Senator from Idaho on the subject of the National Guard. It convinced me, and I am hopeful that it induced the Senator from Iowa to withdraw one of the two duplicate bills from consideration, and the other had its own way.

Mr. NORRIS. Mr. President—

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator if he himself believes that what he has just read in regard to Senators is a fair and honest statement to judge the question of economy or extravagance?

Mr. THOMAS. Mr. President, it depends upon the viewpoint from which the question is asked. If the Senator was here when I stated my purpose in offering this memorandum he will recall that I said that in view of the many warnings the Republican side of the Chamber have uttered against the extravagance of this side I thought it were well if it could be shown that they had conformed to their preaching, and that it might, therefore, be illuminating to ascertain how much, not only in the aggregate, but in detail, had been the demands upon the Treasury in the way of bills introduced in this body for

consideration carrying appropriations. I think it is perfectly fair from that standpoint, Mr. President, if indeed it be not in others. If it is not I should like to have the Senator point it out.

Mr. NORRIS. Well, the Senator has included, has he not, authorizations as well as appropriations?

Mr. THOMAS. I have included all bills calling for specific amounts. There are bills which, of course, call for appropriations, though not mentioning specific amounts. Those could not be included. On bills for increase of pensions I have made an arbitrary calculation of 50 per cent.

Mr. NORRIS. There is a difference between authorizations and appropriations. I have now in mind—and I want to ask the Senator about it—

Mr. THOMAS. There is very little difference when it comes to the Treasury of the United States.

Mr. NORRIS. Yes; there is a great deal of difference. I have a particular bill in mind, and I want to ask the Senator whether such a bill would be included. I have introduced a bill for the development of Great Falls out here near Washington—

Mr. THOMAS. That has been included.

Mr. NORRIS. There is not any appropriation in that bill, I will say to the Senator.

Mr. THOMAS. But there is an authorization of an appropriation.

Mr. NORRIS. Yes.

Mr. THOMAS. And the Senator from Nebraska knows—at least, I think he knows—much better than I, if the development of hydraulic power at Great Falls is to be made effective, it will require more than the amount which he in his bill proposes to authorize for that purpose.

Mr. NORRIS. But the Senator from Colorado likewise knows—and I am satisfied he will admit it, for I believe he is just as fair as I am—at least, I think the Senator wants to be fair—

Mr. THOMAS. I am obliged to the Senator from Nebraska for his good opinion.

Mr. NORRIS. There is not any appropriation, for instance, in that bill; and the Senator knows, as I said, as well as I do, that if the work were begun to-day—and if the Senator does not know it he can get that information from the reports of the engineers who made the investigation—that it will take five years to complete it.

Mr. THOMAS. That is true, Mr. President; I admit that.

Mr. NORRIS. And the appropriations, when it comes to making appropriations, will be divided up.

Mr. THOMAS. But at the end of five years the Senator will discover that his authorization is far too small.

Mr. NORRIS. That may be; and the Senator will likewise admit that in a proposition of that kind, assuming it to be successful—and I believe the Senator himself thinks it would be successful—the appropriation, if any were made, would in its very nature be reimbursable, and all of it would be returned to the Treasury; and that, as a matter of fact, it would be an act of economy in behalf of the people of Washington, who have to use electric light and electric power on electric railways.

Mr. THOMAS. Is the Senator from Nebraska through?

Mr. NORRIS. I want to ask the Senator another question about that.

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nebraska?

Mr. THOMAS. Of course, Mr. President.

Mr. NORRIS. I introduced that bill, and I offered it in a modified form as an amendment to a pending bill; and in another modified form I again introduced it. Now, I should like to ask the Senator whether in his calculations he has included that bill in all its different forms?

Mr. THOMAS. If the Senator will tell me what amount is authorized by his bill I will answer the question.

Mr. NORRIS. It is somewhere in the neighborhood of \$15,000,000, I think.

Mr. THOMAS. I have here a list of the bills introduced by the Senator, of which Senate bill 711 carries \$15,021,600. There is another bill—Senate bill 3202—the amount of which is \$2,000,000.

Mr. NORRIS. For what purpose is that bill?

Mr. THOMAS. I should have to refer the Senator to the bill. I have not a copy of the bill here.

Mr. NORRIS. I want to ask the Senator if he will take that bill as an illustration?

Mr. THOMAS. If the Senator does not know, I do not, I am sure.

Mr. NORRIS. We will take that as an illustration. Does the Senator cite that as an instance of extravagance, and does

the Senator believe that indicates a tendency toward extravagance?

Mr. THOMAS. I cite anything as extravagance or as a tendency toward extravagance which at the present time is not imperatively demanded in the public interest.

Mr. NORRIS. The Senator, then, if that be his position, is opposed to any improvement, or to any advancement, or to any development of any of the resources of the United States that are under the control of Congress?

Mr. THOMAS. That is the Senator's conclusion, but not mine.

Mr. NORRIS. Yes; I will admit that.

Mr. THOMAS. I do not think so.

Mr. NORRIS. Does the Senator think we ought to appropriate for anything except salaries or for the payment of debts that the Government owes?

Mr. THOMAS. Oh, yes. I have voted for some other things myself. As I said some time ago, I am not setting myself up as at all superior to my associates upon this floor regarding this subject, and I expect to vote for a great many other money bills.

Mr. NORRIS. The Senator thinks, for example, that the particular case I have referred to—the development of Great Falls—is an evidence of extravagance, and he offers that, does he, as a defense of the Democratic Party for its extravagance?

Mr. THOMAS. Mr. President, I am now sure that the Senator from Nebraska was not here and that he did not do me the honor to be present during my introductory remarks; otherwise he would have realized that such was not the case. I have once stated my purpose to the Senator. If he wishes me to do so, however, I shall repeat it.

Mr. NORRIS. I have heard all that the Senator said. I have been here during all the time he has been speaking.

Mr. THOMAS. Then I have been unfortunate in my expressions and have been unable to convey what I had in my mind by the language which I used.

Mr. President, I have stated that the main purpose for which this tabulation was made was to inquire whether, in view of that record, the constant reminders to this side of the Chamber of our extravagance and of the necessity of economizing could not be very well assisted and aided by the example of those who so remind us, and particularly in the demands which they themselves have made upon the Treasury. Now, the Senator certainly comprehends that.

Mr. NORRIS. If the Senator will permit me to answer that, or rather to hold up to view those who are in favor of economy, I will say that the Senator from Colorado cites instances such as I have cited and other instances of bills introduced by other Senators—for example, the one he referred to which was introduced by the senior Senator from Iowa [Mr. CUMMINS], a bill that provided for a reorganization of the Army, that would necessarily require a great deal of money, and the Senator from Colorado, therefore, thinks, as I take it, that the Senators who have introduced such bills are inconsistent, when, on a "pork-barrel" bill like this one, they are trying to cut down the expenditure of the public money for the purpose of putting water into dry creeks and floating boats up harbors that have not water enough in them to water a steer—

Mr. THOMAS. Does the Senator from Nebraska think that I am defending this bill?

Mr. NORRIS. I do not suppose that the Senator is, but he is criticizing the men who are finding fault with its extravagance.

Mr. THOMAS. Oh, no, Mr. President; I am not singling out anybody on that side of the Chamber. Far be it from me to make any invidious comparisons. I have given the totals, and I want to say to the Senator that some of my brethren upon the other side have been so extremely modest in their demands upon the Treasury that I can find no words which are sufficiently superlative to express my admiration of the fact.

Mr. NORRIS. Does the Senator believe because a Senator does not introduce bills asking for large appropriations, though he would perhaps be in favor of voting for every extravagant amendment or every extravagant item in this bill, that therefore he is an economist, and that the man who has introduced a bill for the reorganization of the Army, let us say, or the reorganization of the Navy, which necessarily must cost many millions of dollars, is an extravagant man because he believes that by reorganizing either of those branches of the service he might bring about some adjustments in the way of efficiency and perhaps in economy as well?

Mr. THOMAS. Mr. President, if I have not made my purpose clear to the Senator from Nebraska by this time, I shall despair of doing so at all.

Mr. LODGE and Mr. SMOOT addressed the Chair.



The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I am willing to yield to everybody, Mr. President, one at a time. I think, however, the Senator from Massachusetts [Mr. LODGE] has been on his feet for quite a while, and if the Senator from Utah will permit me, I will first yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, that is very kind. I was not present when the Senator from Colorado read those lists to the Senate, and I had the curiosity to go and look at what he accredited to me. I find that the largest item is an amendment which I introduced for the payment of the French spoliation claims. It is not likely to be extravagant, because the point at which the United States Congress always saves is in the payment of just debts.

Mr. THOMAS. Well, Mr. President—

Mr. LODGE. One moment. I introduced the same amendment in an amended form—because there were errors in the first amendment—for the same amount, and the Senator has counted both amendments in his estimate. Now, I venture to think that the total—there is only an error of a million dollars in the Senator's estimate—is not serious.

Mr. THOMAS. That does not amount to anything in the National Congress in these days.

Mr. LODGE. But the whole thing was for only a little over a million dollars; and it appears in the list as \$2,000,000, which, perhaps, is not exact.

Mr. THOMAS. My secretary made the computation for me, and he is generally a very accurate man.

Mr. LODGE. He is perfectly accurate, but he has made the estimate on two amendments, when the two amendments are for precisely the same thing.

Mr. THOMAS. In that case, of course, the correction should be made.

Mr. LODGE. I think if the Senator will examine the matter, he will see that both amendments are for the same thing.

Mr. THOMAS. I will take the Senator's word for it. That will reduce the total by a million dollars, upon the Senator's word.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do so with pleasure.

Mr. SMOOT. Mr. President, I am charged with introducing bills amounting to 60 per cent of the \$900,000,000. I want to say to the Senator from Colorado that, if I secure an appropriation of \$30,000 during the entire session of Congress, it will be more than I expect.

Mr. THOMAS. Well, the Senator probably goes upon the principle that he will not get any more than he asks for.

Mr. SMOOT. And upon that basis the other 40 per cent introduced on this side of the Chamber would be \$20,000, and out of the \$900,000,000 of bills stated by the Senator as having been introduced by Senators on this side of the Chamber. If other Senators get the same percentage which I hope to get on what is charged to me, we shall secure about \$50,000 this session of Congress. That is the situation as it exists, although I do not believe that \$50,000 will cover the amount that will be actually appropriated.

The Senator from Colorado knows that I have studiously avoided asking for any appropriation that I thought was in any way wasteful or extravagant. When I came to the Senate I made up my mind that I should never vote for a claim that I myself would not pay under similar circumstances if the claim was against me. I have taken that position, and I think I have lived up to it carefully. I only mention this to show how unfair, in my opinion, are the figures cited by the Senator, in that they do not show what will be appropriated.

Mr. THOMAS. Well, Mr. President, of course I anticipated that this tabulation would not only provoke interruption but comment; and I am satisfied that it will be followed by explanations which will be satisfactory in general, and certainly to those who make them.

I have no desire to do any injustice to anyone or to make any statement that can be fairly subjected to the charge that it is unjust regarding this all-important subject. I think that those who live in glass houses sometimes indulge in the throwing of stones only to imperil themselves; but, as I have stated, my general purpose was merely to show the trend of bills for appropriations, proceeding as well from those who denounce Democratic extravagance as from those who are responsible for Democratic extravagance.

Of course I know, everyone knows, that the majority of these bills will not be enacted, just as everyone knows that the majority of the bills introduced on this side of the Chamber will

not be enacted, not only because many of them can not command a majority upon their merits, but also because the aggregate of appropriations may in any event be so great as to deter even the most reckless legislator from its contemplation.

Mr. President, the Senator from Nebraska [Mr. NORRIS] is a most capable, conscientious, upright, and invaluable public servant. So far as I am able to judge, he has been pretty nearly right on everything he has advocated or stood for in this body, except those matters which relate to party principle and party convictions, and, of course, such a man as he would necessarily sustain them, and he has done so. I am not accusing him of extravagance. The Senator believes—and he is right about it—that the development of the Great Falls project would result in great benefit to this community. There is no question about that. It is also true that his bill does not ask for a direct appropriation, but the fact is that this enterprise, upon which he has set his heart and which is as beneficial and as valuable, in my judgment, as the Senator has so frequently declared it to be, will call for a great deal more money than the amount mentioned in the bill. I think that, having waited for this improvement for some time, we can afford to wait a little bit longer.

Just now the Senator from Massachusetts [Mr. LODGE] has called my attention to the fact that the bill which swells his aggregate of appropriation into the millions—not many millions, however—has reference to the French spoliation claims. Well, Mr. President, the French spoliation claims have been the subject of renewed consideration for over a century and the money for the payment of them has never been obtained from the Treasury of the United States. Why, I do not know; but certainly those claims are so ancient in character that at this time they can afford to wait a little longer, it seems to me, instead of our making appropriations, or even considering appropriations, for them.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. NORRIS. Referring to the particular bill which accounts for most of the extravagance which the Senator has charged against me, I want to ask him if he did not vote for it himself when we had a roll call on it several days ago?

Mr. THOMAS. I should not wonder at all if I did. I vote for pretty nearly everything the Senator sincerely advocates. It seems impossible, however, to get out of the Senator's mind that I am not occupying any "holier-than-thou" attitude with regard to these matters. That is not at all my position.

Mr. NORRIS. I understand the Senator has used—

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Nebraska?

Mr. THOMAS. Always.

Mr. NORRIS. The Senator, after describing these extravagant propositions, as he terms them—

Mr. THOMAS. I do not know that I used that expression.

Mr. NORRIS. Embraced in pending bills has said—and I think I can quote his words—that "people who live in glass houses should not throw stones."

Mr. THOMAS. I said that; yes.

Mr. NORRIS. He puts every man who has introduced a bill providing for the expenditure of public money, if he be a Republican, in a glass house; but if he be a Democrat he surrounds him with a guard, I suppose, which will prevent any attack being made on him.

Mr. THOMAS. Not at all, Mr. President. I am here to say—and it is nothing new, because I have said it before—that the Democratic majority of this body and of the other House has not regarded the party pledge with respect to the economic administration of public affairs. I have said, and I say again, that the criticisms made on that subject upon the other side of the Chamber are often legitimate. I want, however, to see some action upon the other side commensurate with these criticisms, to the end that we may, possibly through Republican aid, get somewhere in the matter of a reduction of expenditures.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. THOMAS. Of course, I yield.

Mr. NORRIS. I want to refer the Senator now to another bill which he has cited as an example of my extravagance and to ask him a question about it. If that bill, together with the one for the Great Falls project, be eliminated, there is practically nothing left of his charge, so far as I am concerned. The bill to which I now refer provides for an appropriation of \$2,000,000 for carrying out the plan outlined in the bill for Federal assistance in the treatment of tuberculosis, and applies particularly to the States of Colorado, California, New Mexico, and Arizona, which States have been overburdened by a large

immigration coming to them from other parts of the United States under the idea and belief that people afflicted with tuberculosis could be cured there. The result has been that in some localities in the Senator's great State, as well as in the other great States I have mentioned, the afflicted persons become public charges. The hearings before the committee of this body show that thousands and thousands of such persons die because they are unable to get away and are unable to pay the expense of their support and their care in a proper way. Many of them live in very poor boarding houses and other places, where they are herded together in large numbers. The bill proposes that in those States in cases of that kind, where a resident of another State has come in and is unable to get away on account of poverty, the United States shall bear half of the expense of his care, provided the State, under proper rules and regulations, to a certain extent standardizes its sanatoriums and other places where tuberculosis patients may be kept and properly treated. Does the Senator believe that is an evidence of extravagance, and does he think that that is the opinion of the people in his own State, who, I believe wrongfully, are compelled to pay a great many expenses of this kind on account of sick persons who come there from other parts of the United States and spend the last dollar they have, perhaps, to get to Colorado, and are unable to care for themselves or to pay for proper care after they reach the State?

Mr. THOMAS. No, Mr. President, I do not think that is extravagance. I do not think that a single bill which the Senator has introduced is an extravagance. I think every bill which the Senator has introduced calling for an appropriation is, in his judgment, very essential to the public welfare. I am opposed to that particular measure for two reasons, one of which has reference to the power of Congress to pass it, and the other of which has reference to its application. I know that my own people, so far as I am able to judge from information received, are not at all friendly to it, there being here and there an exception; and I must assure the Senator that because it applies to my State in conjunction with some others would be no reason why I should vote for it, although the tendency is that way, and I have frequently voted for measures because of their local benefit.

Now, I want to remind my friend, the Senator from Utah [Mr. SMOOR], with reference to his \$500,000,000 substitute for the good-roads bill, that I voted for it and I believe it is a much better measure than the one which finally passed the Senate. I am glad the Senator offered it. That bill was the result of long and painstaking investigation, the product of a man of great ability, who had devoted years and years to working out the scheme, and, in my judgment, it is the road bill which should be adopted, if we are going to adopt a road bill at all. I say that frankly. I think the Senator has been the means of reducing a number of appropriations here, and has also protested, on several occasions to my certain knowledge, against the enactment of some other appropriations which did not commend themselves to his judgment; but I must totally dissent from the proposition that, if his substitute had become a law, it would not have placed a burden upon the Treasury. True, it calls not for money but for credit, but the issuance of \$500,000,000 of bonds, albeit they are exchangeable for State bonds carrying a higher rate of interest, nevertheless, Mr. President, is a burden upon the Treasury at present to the extent to which the exchanges may be made.

Nor do I think that because bills are introduced, first at one session and then at another, because they have not been enacted into legislation, is any particular defense for their introduction at the present time, if those who introduce them really believe that we should at the present time exercise as much economy as possible in regard to public expenditures.

I think it was the Senator from Nebraska who referred to the fact a few moments ago that the funds involved in the construction of the Great Falls project would ultimately result in reimbursement to the public of the amount of money required. That is probably true. We have a number of so-called revolving funds in the Treasury, and we make appropriations out of those revolving funds; but, generally speaking, Mr. President, they do not revolve very far. The machinery essential to the perfect work of the revolution does not seem to be properly oiled or lubricated. It may work out in time, but up to date very few of them have proceeded beyond the first revolution, and there they will probably stick for a good while. That is particularly true, I think, of appropriations coming from the various Indian funds, which are subject, of course, to appropriations for Indian purposes.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I yield.

Mr. WARREN. Mr. President, I was engaged in committee when the Senator began his remarks.

Mr. THOMAS. I am sorry the Senator was not present, and I regret that I did not postpone reading the amount involved in the bills which the Senator has introduced until his committee work had been concluded.

Mr. WARREN. I freely forgive the Senator. I am sorry I was not present during the whole of the Senator's interesting remarks. I feel greatly obliged to the Senator, however, for taking up so freely and conscientiously this interesting subject. It is one that ought to be taken up oftener and by various and numerous Senators. I think we ought to give the Senator from Colorado a vote of thanks, first, because he has introduced a subject which it is most interesting to hear him discuss—and his remarks are always interesting—and, second, because it will tend to economy. I especially, however, think we ought to thank him for calling the attention of his own party to the fact that they have not fulfilled their many preelection pledges regarding economy.

So far as the reference to bills which I have introduced is concerned, I am not certain that I know just what list the Senator has. A moment ago at his desk I was shown what purported to be a list embracing a total of about \$5,700,000, of which \$5,000,000 was credited to a bill providing for the erection of an aviation school. I do not at this moment recall introducing a bill of that kind. I only hope I have done so, because, if we are to have military preparation or any improvement in military matters, there is nothing so important as aviation.

Mr. THOMAS. Well, Mr. President, I can not tell the Senator offhand what the bill is. These calculations were made for me—

Mr. WARREN. Yes.

Mr. THOMAS. And not by me; but I think they were made very carefully. I imagine, however, that the Senator has not introduced so many bills appropriating \$5,000,000 but that he would have some recollection of this one. It is the only one carrying that amount I find on the list.

Mr. WARREN. I think the record I saw on the Senator's desk shows 38 bills introduced by me.

Mr. THOMAS. Thirty-eight bills, of which that is the only one carrying such a large amount.

Mr. WARREN. If I did not introduce it, I am sorry that I did not.

Mr. THOMAS. I think the Senator will find that he introduced it.

Mr. WARREN. But the total of the Senator's charges as to what the bills introduced by me call for would leave about \$700,000 for every purpose and for all purposes. I feel that I ought to apologize to my State and to my constituency for not asking for more. When a great State like the one I have the honor to represent in part asks for less than \$700,000, including everything, I feel that I have hardly done my duty.

Mr. THOMAS. I will remind the Senator that the session is young yet; and I am quite sure that his success in securing appropriations for his State in the past, during the long period of his public service, will cause his people to overlook his present relapse from duty, if such relapse has occurred.

Mr. WARREN. That avowal, which becomes a matter of public record, will help me somewhat.

Mr. THOMAS. Yes.

Mr. WARREN. And also the intimation that I may be permitted liberty to involve the Government in some further expense hereafter.

Mr. THOMAS. Oh, there is plenty of time.

Mr. WARREN. There does not seem to be, however, any particular opportunity for me to get in on the measure now before us—the rivers and harbors bill.

Mr. THOMAS. Would the Senator like to "get in"?

Mr. WARREN. I think we ought to connect the city of Denver and the city of Cheyenne, the capitals of our respective States, by water in some way. [Laughter.]

Mr. THOMAS. I am quite sure that a canal between the two cities, our State having gone "dry" and the Senator's State still being "wet," would be patronized by a volume of traffic which would make that now existing on the Mississippi look like 30 cents. [Laughter.]

Mr. WARREN. I have found, in traveling in Japan and China, that in perfectly dry country they build canals for many a mile. To put a canal over that 110 miles and connect those



two capitals would certainly be a more tenable proposition than some of the items that are contained in this river and harbor bill; and I hope the Senator will think about it.

Mr. THOMAS. I quite agree with the Senator, although I am not going to vote for the bill for that or for any other reason, and I suppose the Senator will support it.

Mr. WARREN. No.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield to the Senator.

Mr. KENYON. I am greatly interested in the Senator's statement about bills introduced. I sent and secured the large ones that the Senator charged up against me, though I think my aggregate is quite modest.

Mr. THOMAS. I am sure it is.

Mr. KENYON. One of those bills was for \$5,000 to be paid to William T. Roche in compensation for injuries received as a rural carrier. This man, in the performance of his duties as a rural carrier, lost both of his hands.

Mr. THOMAS. I think the Senator is a good deal more modest than I have been.

Mr. KENYON. He is a man with a family, and I think it is an outrage that that bill does not pass.

Mr. THOMAS. I am inclined to agree with the Senator.

Mr. KENYON. Another one was in regard to the destruction of \$1,985 in currency where a bank burned up. I introduced that bill to reimburse these people, which would be no loss at all to the Government. The other is a workingmen's compensation act for the District of Columbia, and provides \$55,000 for a number of years to carry on that work.

Mr. THOMAS. I think that is necessary.

Mr. KENYON. Those are the large items to which the Senator has called attention. Now, probably that one could wait. I have not urged that large appropriation.

Mr. THOMAS. I am satisfied that the Senator has been modest to a degree in the demands upon the Treasury that he has made in his bills.

Mr. KENYON. I think perhaps I might be criticized in regard to some of the pension bills I have introduced, though I confess that my feelings as to the soldiers of the country are such that I do err there sometimes. I can not scrutinize very carefully bills to care for these men in their old age. That is a constantly diminishing payment. But a few years more can we do anything for them.

Mr. THOMAS. I am not offering criticisms of particular bills, except as I am compelled to do so in this running course of comment. The Senator's explanation of these bills, which is perfectly satisfactory as regards those to which he calls my attention, reminds me, however, of a fact which I think he will concede—that every measure calling for money from the Treasury is defended upon the ground that it is essential for that particular object, and essential now; also, that in itself it amounts to comparatively little, and therefore will not make any material difference in the aggregate of appropriations.

In that way, Mr. President, we are led to make expenditures the aggregate of which is enormous. We forget that the combination of a few sums produces a result which is frequently not only out of all proportion to estimates, but so large as to be positively startling. The accumulation of money is something to which very few pay heed unless their attention is specifically directed to it. Few of us recall, except when reminded, that some of the greatest corporations in the world to-day, and certainly in this country, depend for their expenses and their dividends upon the receipt of small amounts of money from enormous aggregates of population.

For example, the subway in New York, capitalized at hundreds of millions, paying large dividends and employing a great many people, has a revenue prodigious in amount, but made up of 5-cent pieces. The nickels of the millions, accumulated in the coffers of that great corporation, produce at the end of each year an aggregate sum of money which the imagination can not grasp and of which the mind can hardly conceive; and those who were far-sighted enough to realize that fact are those who have benefited by and through the organization and control of the corporations to which I refer. What is true of them is true of the administration of public affairs, and always will be true.

Mr. President, let me say that this tendency to the increase of public expenditures is not peculiar to the present Congress or to the preceding one. It is not peculiar to the Congresses preceding the Sixty-third. It has been a growth in constant, sometimes increasing and sometimes decreasing, progression, but a constant growth from the inception of the Government, and it is one of the things for which Congress is only in part responsible; for I affirm that the people of this country do not in

the mass require economy in the administration of their financial affairs. The constituents of the Senator from Wyoming, the constituents of the Senator from Iowa—some of whom doubtless are denouncing him for opposing this identical bill—my own constituents, the constituents of every Senator in this body, the constituents of the Representatives at the other end of the Capitol, are constantly besetting us and them, in season and out of season, demanding appropriations for this, that, and the other object. It has gone to such an extent, Mr. President, that State lines are disappearing, and the States themselves are surrendering their prerogatives and their sovereign power in exchange for appropriations from the National Treasury.

Mr. WARREN. Mr. President—

Mr. THOMAS. I yield to the Senator from Wyoming.

Mr. WARREN. I ask the Senator if the decreases that he mentions have not been infrequent and confined to periods following a war or some emergency of that kind? Has not the rule been an increase every year, with those few exceptions?

Mr. THOMAS. They have generally followed panics. But they have been increasing constantly; and the avidity of the public for Government money grows by what it is fed upon.

Mr. WARREN. That is true, Mr. President; and without wishing to differ with the Senator altogether, it is going to go on continuously in the future. The country is growing. The country is going to exact more and more. It is going to get more and more. There is no use in charging it altogether to any political party.

Mr. THOMAS. I do not.

Mr. WARREN. Although, as a matter of fact, the Senator will admit that since the change in the last two and four years the increase has been greater in percentage; but I presume that is because those who were in the minority were hungry, and, when they became a majority, demanded the loaves and fishes which they had been waiting for. We must recognize that, and they have been more extravagant than those who preceded them, but all have been extravagant.

My own opinion is that we can not protect ourselves altogether, and should not protect ourselves, perhaps, against some growth in expenses. It is simply a matter of judgment as to how much of that increase we are going to say is necessary and how much is not necessary; and the Senator is very properly calling our attention to expenditures in which he thinks we are traveling too fast.

Mr. THOMAS. I think, Mr. President, that the Senator is absolutely correct when he says that neither of the great parties of this country, no party that has ever been in power in this Government, except in the sense that because it is in power it is responsible, is actually responsible for the large increase in public expenditures. Congressmen, like other people, are human, and they yield to pressure; and in these days when the popular conception of our Government is that it is a huge reservoir of money, to be paid out to each and every man who desires it or who needs it, it is perhaps a subject of remark that we have not been more extravagant than has been the case.

I may say in this connection, however, Mr. President, that I think the very large immediate increase was more apparent in the administration of President Roosevelt than at any time before or since. I think during his administration the civil service was increased in number by one or two hundred per cent, and the various activities which the Government entered upon during the administration of that very active President naturally increased the amount of expenditures, and consequently the amount of our appropriations. But there, too, was a yielding to that public pressure which, constantly exerted, necessarily finds ultimate expression in this Chamber and in the House of Representatives.

Mr. KENYON. Mr. President—

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. KENYON. I am deeply interested in the philosophy which the Senator propounds concerning the American people and their desire or want of desire for any economy and their desire to have their money spent. I can agree with the Senator from Colorado, I think more perhaps than with any other Senator in this body, generally, but I can not believe that can be true. If that is true, when we meet in conventions, both parties representing the people and fresh from the people, conversant with their ideas and what they want, why do we say, both parties—your party said in the Baltimore platform, as we will say in the Chicago platform—that we are in favor of economy and a reduction of offices? If that is not what the people want, why do we say that?

If the Senator is correct, why do we not say in our platforms that we will appropriate all the money we can raise by any form of taxation and go to the people on that kind of a

platform? Does the Senator believe that any party could win on that platform?

Mr. THOMAS. Oh, no. Macaulay once said that you could practice wickedness and immorality with impunity, but the moment you began to preach it your doom was sealed.

Mr. KENYON. Does the Senator believe that the American people are not in favor of any economy? Does he believe that the public conscience of our people is such that if a State or a district can get appropriations out of the Public Treasury that is all the people care about?

Mr. THOMAS. Why, Mr. President, I will try to answer that, but I can not answer it categorically. There is an old saying with regard to some men that they are "in favor of the law but against its enforcement." Now, I have not any doubt that the people theoretically are in favor of economy. I have not any doubt that their indignation rises sometimes to an extreme when they are brought face to face with the aggregate of public appropriations. The Senator's people are in favor of economy, and earnestly so, but they want the appropriations which they desire for their own State exempted from the general program. The people of my State are in favor of economy, sincerely and earnestly so; but they naturally desire those appropriations designed for the benefit of their community, upon the assumption that they are necessary, to be exempted from the general program; and that, of course, is the universal condition. In effect it so operates as that nothing is exempted. It is just that condition which confronts the majority in the formation of a tariff bill taking in all the schedules, even a Democratic tariff bill for revenue only. Among the strongest advocates of the reduction of duties are those who want their own business exempted from the operation of the general law, and they are sincerely in favor of tariff reduction. It is the impossibility of economizing by piecemeal, by locality, and the consequent inevitable tendency toward the making of omnibus bills framed to include all these things and all these communities which produces extravagance.

When I say that the people are not in favor of economy, I have reference to the practical operation of their economic ideas upon financial legislation. For example, some time ago I received a letter from a constituent very much interested in a bill pending before the other House, and which he wanted me to introduce here, calling for some \$5,000,000 for the construction of a needed piece of railroad. This gentleman called my attention to the fact that the bridging of the gap which this small section of railroad would effectuate would open up the coal deposits—and they are enormous—in the southwestern part of Colorado and the agricultural and mineral possibilities to the southwest and give them direct communication to Los Angeles. He also urged with perfect sincerity that it was an essential element in the scheme of preparedness, since this coal would be needed, in case of a foreign war, for our battle-ships and battle cruisers and submarines, and so forth, upon the Pacific coast.

I answered, calling attention to the enormous demands now being made upon the Treasury, to the fact that it was proposed to increase our Navy and our Army, and consequently increase taxes, and that our people should not only practice but preach and urge upon their representatives the strictest economy. The correspondent replied that that was true, and that he not only desired it but would hold me responsible, as far as he could, for it; "but here is something that must be exempted from the operation of this principle. We need the railroad. It is essential to our community life. It is essential to the great scheme of preparedness, and therefore it is not extravagant."

Mr. President, that incident is not only duplicated but multiplied infinitely and indefinitely before every Congress that has convened in my lifetime, and it will doubtless be repeated until some method of financial legislation not at present visible even upon the distant horizon shall take the place of the loose and slipshod method which has characterized the American Congress during the life of this Nation.

I wish that both parties could recommend and insist upon the adoption of what is called the budget system. It may not be the best but it seems to me to be the only solution of this problem, since, by adopting it, the estimates made by those who ought to know will constitute the maximum of appropriations for every year. We may reduce them, but we can not exceed them. On the other hand, too, those thus charged with the duty of financial legislation will see to it that their estimates and the purposes of the appropriations are strictly public in their character, and that the money devoted to the purposes mentioned in the budget will be so expended, and for the public benefit.

That plan meets with opposition from a great many people who are economists in theory, but who seem to apprehend that it

may interfere with some exigent appropriation in which they may be interested thereafter. I believe it will work out, and I believe it will come when through the increase of taxes—direct taxes, I hope—the additional burden placed upon the backs of the people will cause them to realize that they can not keep their apple and at the same time eat it; and if increases come with a decrease in our present tide of prosperity, then many of the public now clamoring for appropriations will be the loudest in their denunciations of Congress for its extravagance.

I repeat, Mr. President, lest I be misunderstood, that I merely wanted to call the attention, and I think I have called the attention, of the Senate to the fact that in regard to the introduction of bills for appropriations, the sums desired and required and asked for, honors are practically easy on both sides of this Chamber.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I yield.

Mr. SHEPPARD. I wish to call attention to the fact that the total annual expenditures of the United States Government, large as they may seem, are only five or six times larger than the total annual expenditures of the city of New York; and that the expenditures per capita of the city of New York are about \$40, while those of the Federal Government are about \$10 or \$12.

Mr. THOMAS. That is true; and the Senator might add that the interest-bearing bonded debt of the city of New York is several hundred millions larger than the interest-bearing bonded debt of the Government of the United States. That money was and is being expended in a system of public improvements made necessary by the requirements of an enormous and congested population. It is raised by the issuance of bonds. That tremendous burden is thus very largely postponed and placed upon the shoulders of posterity. There is a day of payment coming for that, Mr. President; and if the sums of money being expended, as the Senator has reminded me, were required to be raised by direct taxation upon the principle of "pay as you go" their enormous total would disappear.

It is always easy to spend money at somebody else's expense. The easiest thing in the world is to have a good time on the money of others; and the tendency of the people of this generation and the preceding one, not only in the United States but everywhere, is to spend all the money they think they need at the expense of posterity, and let our children take care of the burden. We will indulge in luxury and in riotous living. These enormous incumbrances will not mature until long after we are dead and gone, and either enjoying ourselves somewhere else, or the contrary. Let posterity struggle with that problem.

It is upon this principle, Mr. President, that many people propose to pay for this system of preparedness—by issuing bonds, taxing the present generation only for the amount of interest, and, to use a common expression, "passing the buck" to posterity. There will be a day of reckoning some time between the public creditor and the tax-paying debtor. I hope it may never come with disaster as its attendant. There are no signs of it at present; but when we reflect that the expenditures and, consequently, the indebtedness of the cities, counties, municipal districts, school districts, and States is increasing by leaps and bounds, and that when a bond issue matures it is generally paid by the substitution for it of another bond issue, carrying, possibly, some different rate of interest and expiring 50 or 60 years hence—a practice which can not go on forever—and that each succeeding issue adds to the sum total of the aggregate indebtedness of the people, and that our total interest-bearing burden for city, county, State, and national indebtedness runs into the billions, and then reflect that there must be a day of payment, and that the source of payment is taxation upon the productive and consuming energies of the people; there are problems gathering for which we are responsible but which other generations must solve. These are dark and sinister in contemplation, and I fear are potent for trouble to those who will succeed us upon this stage of action.

Mr. President, in connection with these expenditures, of which this bill forms a part, I want for a moment to speak upon the coming tax increase. This bill will pass. I do not think there is any question about that. It is not a party measure. It is going to pass by the votes of Republicans and Democrats, most of them from the States receiving these appropriations, some of them from States not receiving the appropriations. I have no doubt that the flood-control bill, carrying \$45,000,000 or \$50,000,000, which came over yesterday from the House, will also pass; and, of course, when we come to the increase of the Army and the Navy, with the hundreds of millions of additional appropriations that they will carry, not only for this year but



as a continuing expenditure, I want to ask my friends upon the other side if they have considered any of the problems of increasing taxation to meet these enormous sums?

Of course, I am aware that the responsibility for such legislation is here; that it is one of the issues and conditions that power must necessarily assume; and that, whatever the merit or lack of merit in such legislation may be, we will receive treatment accordingly, and particularly from our historic adversaries. Yet it seems to me, Mr. President, that when our friends on the other side participate in the enactment of bills like this they ought to join with us, at least to the extent of considering carefully and giving us the benefit of their wise counsel with regard to methods of securing added revenue.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I shall be glad to yield to the Senator.

Mr. SHERMAN. I will state, in response to the query of the Senator, that I have been considering very seriously the sources of revenue and the methods of raising sufficient funds to meet these enlarged expenditures, and, if the Senator will permit me to do so, I will state three sources as to which I have arrived at a conclusion.

Mr. THOMAS. I shall be very glad to hear the Senator state them.

Mr. SHERMAN. One is to increase the customs duties until about 40 or 45 per cent of our expenditures shall be raised from that source. Another is to readjust the income tax. A third is to enact a proper inheritance tax, with a division of the inheritance tax between the States, in which probate and laws of descent are provided, and the General Government.

Mr. THOMAS. I am more than obliged to the Senator for his suggestions. With regard to the first suggestion that, of course, is one which the policy and practice of the Republican Party ever since it became a dominant factor in administration has pursued, and one to which he very naturally and from their standpoint very properly turns when matters of revenue are considered. We are opposed to it, and without saying anything controversial upon the subject at this time, I think I owe it to the Senator to say that one reason, if not a principal reason, for my objection is, that it involves a method of indirect taxation which I think is a most pernicious principle. It hypnotizes the energies and the activities of the man who pays it in so far as the expenditure of that money is concerned. If a man pays taxes unconsciously he is not particularly concerned about the manner of its expenditure. Not being conscious of the burden, he takes upon himself no worry as to the manner in which the money may be disposed of.

I think that one reason why our State governments are less extravagant than our National Government is due to the fact that they depend for their revenues upon a system of direct taxation. The citizen must walk up to the captain's office and put his hand in his pocket and take out and pay over his money and he knows the effect of it. It is something real, but if he buys a pound of sugar or a yard of calico, or some other dutiable article the indirect import tax is both small and unnoticed. Hence the tendency to extravagance and liberality in appropriations is inevitable when a system of indirect taxation prevails.

I am in thorough accord with the Senator from Illinois with regard to the other two subjects to which he refers, and without going into them very extensively, I also believe in a good, round tax upon munitions of war, or rather upon those who manufacture them, so that the prodigious profits which are always made in those contracts may contribute, and be made to contribute very liberally, to the objects and purposes for which the added expenditures are incurred, and to meet which these extra taxes are required.

Mr. WARREN. The Senator will, of course, agree that that would be of a temporary nature, because the war we hope will not continue always.

Mr. THOMAS. No, Mr. President; I do not think it will be of a temporary nature unless the Government goes very largely into the manufacture of such munitions as it needs. The furnishing of war supplies is continuous. If we are to-day threatened with war, and I have my own views about that, and because we are threatened with war or because there may be a possible menace from some direction, we must add to our expenditures by way of preparation to the extent of two or three hundred million dollars now, and more next year; the same cause which induces us to take this new step will require us to continue in that direction. Of course, if there were a time when these things would cease to be demanded the tax would very naturally be eliminated; but so long as there be institutions making profit upon our need for preparation, just so long should

the Government lay its strong hand upon their resources and require them to contribute, and contribute liberally, to the meeting of the bill.

Mr. President, let me now turn for a few moments to the bill under consideration. I have stated that I had no intention to refer to any specific items in it—that would be invidious—nor, indeed, to any of the States that are interested in the sense that these items to a greater or less degree are to be expended in them. I shall not allude to them nor to the Territory; but, speaking collectively, the bill provides 286 specific appropriations for the improvement of rivers and of harbors in 29 States and 4 Territories of the Union. Its benefits are to be distributed over these various Commonwealths in a greater or less degree of impartiality and reaching from one ocean to the other. It carries a total as amended here of \$40,889,935, together with authorizations of continuing contracts amounting to a sum in excess of \$2,000,000 more, or a grand total of \$42,934,885.

The bill is entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." To my mind, it is largely for other purposes.

I think, Mr. President, that it is no more than due to those framing this bill to say that it is probably cast as economically as it was possible under the circumstances and at the same time secure the passing of any bill at all. It should also be said that there is nothing new in this method of legislation, the grouping together of items from different parts of the Union into one bill and through that operation bringing to its support as an entirety votes which otherwise could not be obtainable at all.

There is nothing new, Mr. President, in this legislation, even as regards the American people, because I have no doubt that the practice obtained elsewhere before it found lodgment here. But whether that be true or not, it is the natural, inevitable, and unavoidable consequence of our methods of legislation, and particularly our methods of financial legislation. The practice has had various appellations in various parts of the country, logrolling being one of them. The public, for reasons satisfactory to them or for no reason at all perhaps, have fixed upon one designation for bills of this character and then wrongfully confined it to only two or three of the supply bills which pass Congress at every session. They are known as pork-barrel bills or pork bills. This may and doubtless does carry a term of reproach with it. That reproach, however, should be cast on each and every supply bill.

I have said such legislation is unavoidable, and that it always will be unavoidable until our methods of financial legislation are radically changed. Hence nothing should in any sense reflect discredit upon the authors of this measure, either because of the public estimate of its character or because of its inherent structure, since the method did not originate with them; and certainly nothing that I say by way of criticism is designed to carry any sort of personal tone or note with it.

But, of course, Mr. President, unless some effort is made either to circumscribe or to terminate this method of procedure it will naturally and necessarily continue, and continue in aggravated form. Indeed, as I have just stated, it is not peculiar to this bill. I do not know of a single appropriation bill of any consequence to which the reproach does not also apply. Take the Agricultural appropriation bill, the Indian appropriation bill, the Post Office appropriation bill, the legislative, executive, and judicial appropriation bill—any and all of them—they are covered, and the practice is increasing of covering them, with so-called riders carrying appropriations for this, that, and the other object or purpose quite as reprehensible and becoming quite as common as the items in what is generally known as an omnibus bill. If one be "pork," so is the other.

There is another reason for it, which consists in the fact that in national legislation the title of a bill has nothing to do with its subject matter, or at least if there be any relation between the two it is sometimes extremely remote. I think that every State in the Union, or nearly every one, by its constitution requires that all bills except general appropriation bills shall be confined to one subject only, and which subject shall be clearly stated in the title of the bill.

The fathers who framed our Constitution did so at a time when the evils of legislation consequent upon the power to include all subjects or any subjects in bills regardless of the title were not as manifest as they have since become.

Personally I believe that no greater service could be done to the people of the United States than by giving them an opportunity to amend their Constitution by expressly limiting all bills except general appropriation bills to one subject, and requiring that subject to be stated clearly and distinctly in the title. That would make a great many of these evils of Federal



legislation absolutely impossible. Every bill that passes this body and carrying appropriations convinces me more and more of the prime need of resorting to the budget system in one direction and of amending the Constitution with regard to our legislative procedure in the other.

I think it is safe to say, Mr. President, that a very large proportion of the items in this bill would be voted down if they could be submitted to a separate vote. I believe there are many items in this bill carrying appropriations in some of the States of the Union which would not command the support of the Senators from that State if a separate vote upon those items could be secured. But because other appropriations are desired, because still other appropriations are absolutely essential, and because in order to get them we are obliged to attach those which are neither essential, necessary, or just, they find their way into the Treasury in conjunction with the beneficial items.

Now, that is wrong. No man can defend it. No man tries to defend it. Yet we practice it, all of us, the Speaker not excepted, and we practice it because it has crystallized into a custom which claims to be respectable through precedent and the lapse of years. But there is no reason, Mr. President, why, because of that fact, essential changes should not or could not be made.

Now, this bill is somewhat like the situation before the dawn of creation. It is chaotic; there is nothing systematic about it, and it is wasteful, extravagantly so, with regard to many of its items, since their expenditure in no sense improves navigation or even has a tendency to improve it. That is self-evident, it seems to me, when we consider that these appropriations are made with painful and unflinching regularity every time a bill of this kind comes up for consideration, and backed by the same arguments. Indeed, they are strengthened, not only by the same argument but by the fact that each recurring appropriation establishes another precedent for its renewal as the occasion may permit.

If these items were correlated, if they were a part of some intelligent or established system with an ultimate design of general improvement or benefit, it would be extremely questionable, to my mind, if we would then be justified in making the appropriations for them. But they are not. They have no more relation to each other than the Congress of the United States has to the Mexican zodiac. Some are along the Atlantic seaboard, some in the Mississippi Valley, some away out on the Pacific coast, some on the Gulf of Mexico. I am speaking particularly of those appropriations that are made to improve rivers, some actual and others rivers by courtesy, not so much of those to improve harbors, for they need not be and seldom are connected up in any way, although a system of financial legislation regarding them might well be systematized, and thoroughly systematized, so that the expenditures would be beneficial, not in part but as an entirety.

Now, Mr. President, if this bill and the purposes it is to subserve are desirable and the bill were drawn upon intelligent and systematic lines, the fact would be established better by pointing to the benefits resulting from preceding legislation of a similar character than in any other way. In other words, if by this method of legislation we are developing a system of river and harbor improvements to the benefit of our interstate commerce as well as our local traffic the facts would be abundantly shown, irrefragably shown, by the operation of similar expenditures during the 25 or 30 years that have elapsed immediately prior to the commencement of this Congress. Yet what do we find? Improvement, increased expansion of our river traffic? The development of commerce along these watery highways and their adjustment to or their competition with land transportation? Has anyone contended or claimed that for the some eight hundred million and odd dollars expended upon this scheme or system we have either an industrial condition or a traffic system or both commensurate with these enormous expenditures? Not at all.

Mr. President, the only approach to it, if I correctly comprehend the arguments to which I have listened upon the subject for the last two or three years, is that by the improvement of our rivers through national expenditure the railways of the country are unable to fix traffic rates as high as would otherwise be the case, and that the consequent indirect benefit is so great as to justify not only these but larger appropriations.

The distinguished Senator now occupying the chair [Mr. MARTINE of New Jersey in the chair] the other day called attention to the beneficial effects of rivers and harbors improvement in his State upon the rates charged for service upon some of its waters, and I have no doubt that this local benefit in the particular instances exists; nor have I any doubt that in such instances and in others of an isolated character and of a simi-

lar character the railway rates have accommodated themselves to this water competition.

But, Mr. President, in every instance whatever loss has been thus inflicted by river and harbor bills upon the railways in your State and in other States similarly situated has found compensation in the increase of rates to a far greater degree in those other sections of the country not similarly blessed with water competition either actual or potential.

In my State, which is the stepdaughter of the Republic in railway estimation, where even potential water competition does not exist, the losses to the railways of New Jersey and of other States where water competition exists are more than made up by the schedules upon traffic in Colorado and the other mountain States, and perhaps some of the other States as well.

We have had many discussions in Colorado at times of depressed financial and industrial conditions regarding their causes and how they could be overcome. We have attributed hard times and lack of prosperity to many things, and doubtless rightfully to some degree. But inevitably, Mr. President, we reach one conclusion, one goal, Democrats, Republicans, Progressives, black, white, Jew, and Gentile, which is the discrimination in rates upon traffic, putting us at a disadvantage with competitors elsewhere.

We have a railroad running from the city of Denver to the harbor of Galveston, downhill all the way. Yet the freight rates upon that road are so cunningly devised that it costs more to send freight from Denver down to the sea than it does to haul it up to Galveston. It costs us 35 cents a hundred more to send Colorado sugar to San Francisco than it does to bring California sugar to Colorado.

So, Mr. President, I might go on enumerating specific rates with regard to many articles. The freight rate upon many articles from the Pacific coast to Denver is neither more nor less than the freight rate upon them from the Pacific coast to New York or Boston. Per contra, the freight rate from New York and Boston to the Pacific coast is much greater than the freight rate, generally speaking, from New York and other Atlantic common points to Denver and to Salt Lake City.

These are instances or illustrations of the manner in which local differences and competition resulting in decreases of rates is compensated for, and if it is true—I hope it is, and I have great respect for the assurances of those who so declare—that the general effect of these huge expenditures in river and harbor improvements is to lower local rates that otherwise would have to be paid for competing land transportation, then I concede some local benefit resulting from these expenditures. But if it be true generally, I ask why should we continue our Interstate Commerce Commission? Why should we continue the expense of local commissions—and nearly every State in the Union has them now—for the regulation of these public utilities and to restrain them from the imposition of extortionate rates, if we can accomplish the desired results so easily by the expenditure every year of only forty or fifty million dollars of public money in the improvement of rivers and harbors?

I do not think we derive any general benefit, Mr. President, from these expenditures. I notice that the authority and jurisdiction of the Federal Interstate Commerce Commission, which in some respects has failed so far to accomplish the purposes for which it was created, and which does not cost more than three or four million dollars a year, speaking very roughly, of course—

Mr. CLARKE of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. THOMAS. In just a moment. Yet the Interstate Commerce Commission has done more to relieve the people from the evils of discrimination in transportation both as to communities and as to individuals than all the river and harbor bills that have been enacted into law since the beginning of this Republic or that may be enacted in the future. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. Does not the Senator know that the railroads do not make the rates in cases where they charge more for a short haul than for a long haul? Such rates are permissive to them. They must be in each case permitted by the Interstate Commerce Commission. Is the Senator familiar with the process of reasoning by which the Interstate Commerce Commission reaches the conclusion that that is now a just way to fix rates?

Mr. THOMAS. I am familiar with it, Mr. President, as far as a man can be familiar with an intricate process of speculative reasoning. The reasons given have never appealed to me very strongly, but, generally speaking, the basis of the regulation to which the Senator refers is due to competing



railroads of different length between the same points or to transcontinental railroads suffering under the same differences with regard to mileage and supposedly confronted with water competition.

Of course, traffic has something to do with it. I have always believed that the railroad which can haul cheapest should be permitted to do so, notwithstanding the fact that railroads of greater mileage competing with it are obliged to charge considerably more, and for this reason, that the rates on the business which is local to each one of the lines make up the difference in every instance, or at least the effort is made to so fix such rates as to give the compensation in almost every instance where the short and long haul rate was authorized by the Interstate Commerce Commission.

Mr. CLARKE of Arkansas. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. CLARKE of Arkansas. In order that the Senator may understand more distinctly the phase of the question to which I desired to direct his attention, I will call attention to a statement of a case given by the senior Senator from Utah. He says that the freight on the supply of steel out of which a building in Salt Lake City was constructed cost, from Pittsburgh to point of delivery, \$100,000 more than the freight on the steel for an identically similar building constructed at Seattle cost.

Mr. THOMAS. That is correct.

Mr. CLARKE of Arkansas. How does the Senator explain that? I should have said that the shipment to Seattle passed through Salt Lake City en route to Seattle.

Mr. THOMAS. I am glad the Senator made the second interruption. That practice is defended or permitted upon the theory that water competition between the Atlantic and Pacific coasts makes it necessary, if I understand correctly; in other words, what might be called potential water competition prevails on the coast, which is therefore favored with the lower rate. In fact, I once listened to an argument before the Interstate Commerce Commission a good many years ago, in which I participated to some degree, where that circumstance was iterated and reiterated by the attorneys for the railway companies. That is the reason also given in a number of the decisions which I can not recall by name, though I remember the Spokane case quite distinctly. In so far as the cities upon the two extremes of the continent are concerned, there is no question about the fact of a possible or potential water competition which, if no other compensating elements entered, might justify that situation; but, Mr. President, until recently, at any rate, this water competition was in fact wholly supposititious. I concede that it was potential, but actually it was imaginary, because the railways owned or controlled the lines of steamships which alone could create the competition.

I recall that a number of years ago the Southern Pacific Railroad Co., which was then practically in control of the Pacific Mail Line of steamships, entered into a contract with it whereby the road agreed to pay, and did pay, the Pacific Mail Steamship Co., in consideration of its refusal to haul any freight, or practically to haul no freight at all, more money than it could possibly earn if its vessels made their voyages with full cargoes each way; in other words, it received more money from the treasury of the Southern Pacific Railroad Co. for doing nothing and allowing its vessels to practically lie idle and rot away in the harbors than it could have made in competition with their vessels loaded to the decks on every voyage; and yet the Southern Pacific Railroad Co., in the face of that condition, successfully contended for its transcontinental rate in conjunction with the other transcontinental railroads, on the ground that the potential competition threatened by the ability of capital to establish new and independent lines of steamships between the two oceans, and which probably would be established if this long haul were not to be made or permitted at prices lower than some of the short hauls. The argument prevailed, and in consequence of it the desired rulings were made.

But, now, Mr. President, how do the railways operate under the ruling? How have they operated until interfered with, not by river and harbor bills—because they were being enacted at that time, just as they were before and have been since—but by the authority of the Interstate Commerce Commission? It was my fortune to represent a number of large interests in Goldfield, Nev.—which, roundly speaking, is about 500 miles from San Francisco—in the early days of the development of that camp, when it needed machinery and building material, in fact, everything that a community needs for existence in these modern days. They got most of it from San Francisco, though a great deal of it was obtained from the East. The rates of the Southern Pacific Railroad upon all traffic from the Pacific coast to Goldfield were virtually the same as the rates upon traffic

from the East to Goldfield, which were calculated, first, upon the basis of the through route to the coast plus the local rate back to the city of Goldfield, and the additional freight charge thus imposed upon the consumers in Goldfield, Nev., in those days was equal to the freight rates from New York to South Africa by way of San Francisco. That is but one instance.

I do not know of any exception to the rule, that interior towns, large and small, and away from the coast, were always required, notwithstanding the rate to the coast, to pay that rate plus the local rate back to the point of delivery, although, of course, the route of the freight terminated at the point of delivery, and did not go to the coast at all.

If this bill could regulate such conditions as that, I would not say a word against it; I think it would be worth to the people of this country, to the consumers and producers, everything that it calls for; but I am not convinced, Mr. President, that it does it or that it even tends to do it.

I might, in further answer to the query of the Senator from Arkansas [Mr. CLARKE], say that the potential water competition producing these reduced rates from coast to coast is ocean competition, which needs no river and harbor improvement. It may need some harbor repairs, of course, at the receiving and delivering points, but it needs none of this internal improvement; and the great bulk of the appropriations of this bill is for improvements or for purposes having no relation whatever to the underlying reasons for the long and the short haul.

Mr. President, if the items of this bill were correlated or could be correlated, it would at least escape the criticism of lack of systematic structure; but that is not the case. The appropriation for Sunflower River in one State is entirely independent of the appropriation for Shallow Bag Creek in another State; the appropriation for a small stream in the State of Washington has nothing whatever to do with a similar appropriation for a small stream in the State of Kentucky. In none of them, Mr. President, is there any correlation between the improvement itself and the other systems of transportation which doubtless exist in that vicinity.

I thoroughly believe—I may be mistaken, but I am convinced—that until the time comes, if it ever does come, when the railway or land transportation of this country is correlated or connected with our proposed water system of transportation there will be no water traffic at all to speak of. It is a remarkable fact that traffic upon our rivers decreases as the appropriation for their improvement increases. They seem to be in inverse proportion to each other. When these bills reach an appropriation of \$150,000,000 there will not be a ton of traffic in this country transported by water unless the present relation between traffic and expenditure shall assume a different form and a different proportion.

The Senator from Louisiana [Mr. RANSDELL] the other day called attention to the wonderful system of improvements of water courses and harbors in Germany and declared that we should emulate the example of that most efficient people in the world, be guided by their experience, and therefore reach the same desirable results. To that I cordially subscribe in so far as the material conditions of Germany are concerned and without any reference to its political affairs or its form of government. There is no question, Mr. President, but that that great people are, in the development of their commerce, their industry, their manufactures, their resources, and all that contributes to the material welfare and comfort and civilization of a people, the most wonderful and efficient nation in the world. During the last 40 years, which is almost the life of the German Empire, it has developed a system of industry, of commerce, a system of growth and of development, a system of industry in all its varied branches, including the education of its youth, the development of its cities, the government of its municipalities, that has no equal anywhere in the world, and to which all nations might well aspire; and I venture the prediction that when this war is ended, even should it end with the defeat of the German Empire, that nation will be the first of the great nations involved to recover its poise, to get upon its feet, and to set about in a systematic way the reconstruction of its industries, its trade, its political and commercial status.

That wonderful people, Mr. President, realized by intuition, as it were, that river and harbor improvement was worthless unless it could be coordinated with the system of transportation by land. Not alone for that reason, because this is a military people, and is actuated in the last analysis by military reasons and demands, for practically every step that it has taken in any other direction has had the military purpose in view, but, partly for that reason, one of the first steps taken by the newly created German Empire was the nationalization of its



system of railroads; and with the exception of a few lines in some of the smaller States, it is, and for years has been, the owner of all the railroads in its dominions. A recent work by Frederic C. Howe, entitled "Socialized Germany," one of the most remarkable and, to me, one of the most interesting books I ever read, which was written just before, but published just immediately after, the outbreak of the European war, gives some interesting information upon this subject. I read from page 104 of this work and from chapter 7, which is entitled "The State-owned railways," a short extract, as follows:

"German railroads," says an English observer, "have largely contributed to the prosperity of German industry; the British railways have largely contributed to the decay of British industries. In Germany trade policy is made by trade; in Great Britain it is made by the railroads, which, without consulting the trade, prescribe its course, stimulating it here and stifling it there."

If that were written of this country it could not be a truer statement of our own situation; and I may remark here, by way of digression, that there is no interrelation between the British railroads and the British waterways, either natural or artificial, and consequently no great amount of water traffic, comparatively speaking—and by "comparatively speaking" I mean by way of comparison with Germany; and Britain in this regard is more in our than in Germany's situation.

The next chapter in this work refers to canals, waterways, and free ports, and to my mind is the most interesting chapter in the entire work, except that upon education. I read from page 121, as follows:

Waterway development, as a means of cheapening freights and the development of inland centers, has gone hand in hand with the extension of the railways, and in recent years the waterways have been receiving the greatest attention. This is remarkable, in view of the immense profits which the State receives from the operation of the railways, which profits have undoubtedly been materially reduced by water competition.

The program of waterway development has been thought out for many years to come and on a most elaborate scale. It includes the linking up of all the great ports of ocean entry with the rivers and inland centers by ship canals and river systems, capable of carrying very heavy traffic. In addition, splendid harbors have been built along the Rhine and on the North and Baltic Seas, with free ports at Hamburg, Bremen, and Lübeck. A network of canals is to unite the Rhine, the Danube, the Oder, the Weser, and the Meuse, of sufficient dimensions to carry large craft. Already the register of canal boats has been raised from 150 to 600 tons. Transportation by canals and rivers is closely integrated with the railways through splendidly equipped terminals, which facilitates the easy transshipment of freight from one to the other, while the larger towns on the rivers and ocean harbors have built the most completely equipped docks and warehouses for the development of trade and industry.

Is there any spot in this favored country, Mr. President, where "the railways, through splendidly equipped terminals," facilitate the easy transshipment of freight from themselves to the waterways or to the harbors? If so, it is because the railways own the wharfage facilities in that spot, and thereby control those lines of steamships and sailing vessels with which they interchange traffic.

The Senator from Iowa [Mr. KENYON] called the attention of the Senate the other day to the almost universal railroad ownership everywhere of the river fronts and water and harbor fronts where the great railway systems center to receive and discharge their freight—owned for the purpose of facilitating water navigation and water traffic? No; but for the purpose of stifling it or of controlling it, and never for the purpose of utilizing it, except when it is to the advantage of the railroads.

This author then gives the marvelous growth of the water traffic under the German system, and proceeds, on page 122:

A comprehensive imperial waterway program was authorized in 1905. It includes two great undertakings—one, the Rhine-Weser project, for a canal to connect the former river with the Dortmund-Ems Canal, from the latter to the Weser, the enlargement of other canals, and the canalization of the River Lippe, the estimated cost of which was \$62,687,500.

I ask leave, Mr. President, to insert, without reading, page 124 and the first two lines of page 125.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

The most notable features in the act of 1905, authorizing the Rhine-Weser and Oder projects, are the wide powers of expropriation of adjoining land reserved to the Government and the provision for a State monopoly of the towing service on the Rhine-Weser Canal and its branches.

In view of the improvements in transit facilities on the main rivers (Rhine, Oder, Weser) and some of their tributaries, the Agrarian Party, which has opposed waterway development because of fear of agricultural competition, insisted that dues be paid "on rivers regulated in the interest of navigation." Prussia promised this amendment without consulting the other States, although it involved an alteration in the constitution, which expressly prohibits dues on the natural waterways of the country. But the constitution was changed and the other States were induced to acquiesce—Bavaria, for example—by the promised canalization of the Main. The plans include a river board for each river, upon which all the principal interests concerned should be represented, and the dues to be charged were to be uniform on all the rivers. The Government claims the purpose of the dues is not to earn surpluses for the State, but to cover actual costs by an "inconsiderable addition to freightage rates."

In the construction of these great canal projects "rivers are crossed, ascents and descents of hundreds of feet are made with facility, and ships lifted and lowered bodily in troughs instead of by the old and slow method of locks."

Mr. THOMAS. On page 125 the author continues:

So comprehensive is the waterway development that goods can be sent from the mouth of the Rhine direct into Switzerland and the south of France in one direction and to Württemberg, Bavaria, and Austria in another. Merchandise bought in Hamburg can be dispatched by river and canal every yard of the way from that port to Berlin, or even to Silesia in the extreme south of Prussia. The canals have made Berlin, 400 miles from the sea, a great port, second only to the North Sea ports, and three cities on the Rhine.

Of course it will be borne in mind, Mr. President, that railway transportation between these points exists as well as, the line of canals referred to, and that both are prosperous because of their cooperation and not because of any competition that is between them or that can exist between them.

On page 126 the author says:

The waterways are used for the handling of heavy bulk freight, such as coal, iron ore, lumber, grain, and the heavier articles of commerce, whose immediate delivery is not important. On these commodities very low rates are charged. And this is one reason why the railway freight rates in Germany are higher than in this country. For the waterways carry one-sixth as much freight as do the railways. Were the heavy bulk freight, which goes by water, subtracted from the freight by rail in America and a comparison made of similar commodities, it might be found that freight rates by commodities were as low in Germany as they are in America.

The canals and navigable rivers are operated in connection with the railways, which are further operated in connection with the docks and harbors, in which every provision is made for the cheap and easy transshipment of freight from one to the other. There is no conflict between water and rail transportation; no conflict between the public and private owners over the possession of the water front. All of these agencies are operated together as a unit for the promotion of the domestic and foreign trade of the Empire. They are all part of a co-ordinated whole.

It is unnecessary, Mr. President, to quote further from this book upon that subject.

Mr. RANSDELL. Mr. President—

Mr. THOMAS. Just a moment. I have read enough to show the identification, complete and absolute, of the land transportation system with the water transportation system of the German Empire, and that this is the absolute and indispensable prerequisite to any development of water traffic in a country that has both classes of transportation. I now yield to the Senator from Louisiana.

Mr. RANSDELL. Mr. President, I am very glad indeed that the Senator has read the illuminating extracts from the work of Mr. Howe, entitled "Socialized Germany." I think they corroborate exactly what I said several days ago to the effect that the Germans, who are as wise a people as exist in the world, have found it proper and beneficial to improve their waterways and use them as very great carriers of commerce—

Mr. THOMAS. They certainly do.

Mr. RANSDELL. And use them as a most important part of their transportation system. That, I believe, is the conclusion at which the Senator from Colorado arrives.

Mr. THOMAS. Yes; unquestionably.

Mr. RANSDELL. I should like to call the Senator's attention to a state of facts on one of our great waterway systems in this country which I think are almost identical with those in Germany. I refer to the Great Lakes. Until within the past year, if I mistake not, the railroads and the boats on the Great Lakes did cooperate just as thoroughly as they cooperate in Germany. The railroads owned the boats and carried decidedly the greater part of the commerce of the Great Lakes in their own boats; and that commerce last year was about 71,000,000 tons, carried at .071 of one mill per ton per mile, while the average charge for rail transportation of the country was 7.3 mills. So, on our Great Lake system, by cooperation between the rail and water carriers, I think there have been as good results accomplished as have been accomplished in Germany.

Now, I want to ask the Senator this question: Would it not be possible for us to devise some system by which we might get the same kind of cooperation between rail and river transportation in this country as the Germans have on all of their waterways and which has heretofore existed in this country between rail and water carriers on the Great Lakes? If the Senator can suggest such a method, I should be delighted to cooperate with him.

Mr. THOMAS. Mr. President, I can suggest one method, and, I think, the only possible one, and that is the German method—ownership by the Government of the system of land transportation and its consequent compulsory cooperation with water traffic on the waterways.

I do not think that the Senator's reference to traffic upon the Great Lakes is an apposite one. The Great Lakes of the country are more analogous to the ocean than they are to river and harbor systems. Long before the railroad companies monopolized the water traffic of the Lakes that traffic



was enormous, and was carried on by competitive lines, nearly all of which, when properly managed, made great profit. The traffic on the Lakes is more like the traffic from New York and other Atlantic ports to Liverpool and other European ports than it is to the subject matter of this bill.

Mr. President, I think in this connection that it is proper to assume—and I think it can be assumed safely—that if the railroads owned the boats that ply upon our rivers and along our coast line where railroad competition is possible, instead of developing our river traffic and our coastwise traffic it would be strangled, to a degree, and the railroads would do all of the business. That is human nature; that is the result of competition where one of the competing parties has such an enormous advantage; in other words, the private ownership of railroads is wholly incompatible with the use of our navigable streams for purposes of commerce. Railroads in private ownership will strangle water-borne commerce; they will throttle it; they will kill it, as they have killed it wherever it has been possible to do so. On the other hand, by placing the railroads where they were at the dawn of the development of the system, and where they always should have remained—in the hands of the people, as public institutions, subserving a great public purpose, operated for the public benefit—I do not believe we would have had such unsystematic and crude and wasteful methods of legislation regarding the rivers that have characterized such legislation for the last 25 or 30 years.

Mr. President, I am unable to perceive that this method of spending money for the improvement of rivers either benefits commerce or creates it, on the one hand, or that, on the other, it protects and preserves the rivers and the people living near them from the results of floods. Of course, there are exceptions to that statement. The vast sums of money spent upon the Mississippi River and some of the other great water arteries of the country are expenditures which have been called for by the necessities of the country, and particularly of those localities. They have been devoted to the laudable purpose of protecting life and property, but even they, Mr. President, have been most unsystematic and therefore most unsatisfactory. Money for the improvement of rivers either for purposes of navigation or for purposes of protection must necessarily be expended properly, systematically, and intelligently or it can not subserve the purposes of the appropriation. It is practically impossible.

My friend the Senator from Nevada [Mr. NEWLANDS] has on several occasions introduced a measure designed to bring about a systematic and unified treatment of this whole problem. Although the amount of money which he wants for that purpose may be necessary, its amount is so startling to an average mind like mine, which has not yet become accustomed to dealing in millions, the system itself is an intelligent and comprehensible one. He would begin at the source of the streams and, by operating, first, upon the tributaries, conserving the waters, and regulating their flow, not only preserve their natural and normal depth for the purposes of navigation but at the same time equalize that depth through the distribution of waters from these reservoirs during the dry seasons of the year; and, in addition, he would utilize these waters for industrial purposes and minimize the dangers and the destructive consequences of the ever-recurring floods that seem to come with greater frequency as the years go by.

Mr. President, that bill has for its recommendation a system, a plan of development, practically universal in its application, and necessarily leading to the solution of this problem, and I believe it is the only way in which it can be solved. If it were left to me, I would never expend a dollar for the improvement of the rivers of this country for purposes of navigation so long as the railways remain wholly in private hands. I would spend every dollar necessary for the protection of life and property along these streams for the regulation, if not for the prevention, of the flood flow and for the general purposes of navigation consequent upon an equalized distribution of water, checking it at the high periods and allowing it to flow liberally at periods of drought and when the streams are otherwise too low for navigation.

I do not know whether the Senator from Nevada will ever get a substantial consideration of his bill or not. He certainly has the merit of persistence, and that is a most excellent one, particularly in the Senate of the United States, if one would accomplish anything. I am satisfied that if he lives as long as I hope he will he will impress his ideas with regard to this method of river control and improvement, not only upon the country but upon a majority of this body, because, among other things, it will do away, in my judgment, with the necessity, real or assumed, of appropriations such as that I am now considering.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I yield, with pleasure.

Mr. BRANDEGEE. Perhaps the Senator has touched upon this subject and given the answer, but, if he has, I did not hear it.

The Senator says he would not spend another dollar on the rivers of the country as long as the railroads are in private ownership.

Mr. THOMAS. For purposes of trade and water traffic.

Mr. BRANDEGEE. Yes; for deepening their channels, and so forth, and making them navigable.

Mr. THOMAS. Yes; for the purpose of promoting commerce.

Mr. BRANDEGEE. Now, suppose the Government owned the railroads. Would the Senator then spend money on the rivers?

Mr. THOMAS. Unquestionably.

Mr. BRANDEGEE. Why?

Mr. THOMAS. If the Senator had been here when I quoted—

Mr. BRANDEGEE. I will not ask the Senator to repeat it if he has covered that.

Mr. THOMAS. I quoted a number of extracts upon that subject from Mr. Frederick C. Howe's recent work upon "Socialized Germany," the purpose of which was to show that without the cooperation of land and water transportation the latter was impossible in these days; that you could not develop it, no matter what amount of money might be expended for the purpose, except in limited degree, of course.

Germany nationalized her railroad system very shortly after the Empire was consolidated. She has since then carried on a system of river improvement, canal building, and harbor improvement in conjunction with her ownership of the railroads which she has required to build terminal facilities for the interchange of traffic between the rivers and themselves. She has fixed rates for the railways with regard to what might be called bulk freight, the coarser commodities, that are practically prohibitive, thus forcing that class of traffic upon the rivers; and by her interrelated system of water commerce and of railway commerce she has made both very effective, the railroads paying enormous profit to the Government, and the traffic of the rivers increasing constantly, and bringing many inland cities to the coast by water connection.

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I yield; yes.

Mr. VARDAMAN. The Senator has evidently given a great deal of very intelligent thought and investigation to this subject; and I wish to ask him, just at this point, if it is not possible to bring about that cooperation of which he speaks by intelligent, comprehensive supervision by the exercise of powers which inherently belong to the National and the State Governments. It strikes me that cooperation and coordination might be effected in that way; that is, I am sure that we could more nearly approximate it.

Mr. THOMAS. Mr. President, so far as cooperation between the State and the Nation upon any given subject or enterprise is concerned, I think the tendency constantly is for the States to shift the financial burden more and more upon the National Treasury.

Mr. VARDAMAN. Is not that largely due to the fact that the question has not received that exhaustive consideration and study which the importance of it demands? Whenever the people of America discover the advantages which the Senator has referred to as being enjoyed by the people of Germany, it seems to me that it is perfectly natural that they should protect their own interests and bring about this very thing, if the waterways are perfected as it is the desire of all Americans to accomplish.

Mr. THOMAS. Mr. President, I do not know whether or not we could take the German industrial system without taking the German political system. That is a ponderous, serious, and far-reaching problem—whether the autocracy of the Empire is not the cause, and the necessary cause, of that other system of commercial government and expansion to which we have just referred I am unable to say. I confess that if we could not get the system and develop it effectually except by taking the autocracy of Germany, I should prefer our present system, loose and uncoordinated and unsystematic as it is.

Mr. VARDAMAN. Certainly that would not be more objectionable to the Senator than Government ownership.

Mr. THOMAS. I was going to say that I believe that the industrial system of Germany, especially in so far as transportation is concerned, is a solvable problem on land or by sea by adopting the most efficient elements of the German system, and



that we can accomplish it without submitting ourselves to its political methods and political forms of government.

Mr. VARDAMAN. I think there is no question about that.

Mr. THOMAS. But I do not believe it can be done by cooperation between the States and the Nation, nor by any system short of Government ownership; and I have not yet committed myself entirely to that idea, although I confess that as regulation seems to be only partially efficient, I frequently think that it will be a dernier resort of this Nation to take over its great lines of transportation. If I were as devoted to the cause of preparedness as some of my distinguished friends are, I would insist upon doing it now, because military preparation in the modern sense is inseparable from military control of all lines of transportation.

Mr. VARDAMAN. If the Senator will pardon me, he will find that the most active and enthusiastic advocates of preparedness will be the first to raise their voices against Government ownership of railroads or extreme Government regulation of railroads.

Mr. THOMAS. Oh, unquestionably, with some few exceptions.

Mr. NEWLANDS. Mr. President—

Mr. THOMAS. I yield to the Senator from Nevada.

Mr. NEWLANDS. I was very glad to hear the commendatory words of the Senator regarding the measure that I have been urging for so long, and I welcome the clear and incisive expression he has made upon this subject. It seems to me most convincing. I wish, however, to call the Senator's attention to the consideration that the case is hardly as hopeless as he imagines.

Mr. THOMAS. Well, I am not so optimistic as my good friend from Nevada.

Mr. NEWLANDS. Of course I understand that, and I want to make the Senator more optimistic. The Senator seems to have the view that whilst the regulation of these rivers and the incurring of a very considerable expense therein can be justified by reason of the great public benefit that will come from the mitigation of floods and from the beneficial uses to which the water can be put other than for purposes of navigation, navigation itself can not be a success unless the entire transportation system, both by water and by rail, is in the hands of the Government.

Mr. THOMAS. Oh, navigation may be a success, if the Senator will permit me, but the development of our traffic by water routes is inconsistent with private control of our lines of land transportation. That was the idea which I sought to convey.

Mr. NEWLANDS. I feel that we have never yet tested our powers regarding coordination between rail and water transportation; that the Nation has never yet exercised its powers in that direction; that the Nation has not as yet perfected a single waterway in the country as an instrumentality of commerce, involving, as that perfection must, not only the maintenance of a good channel and a steady flow but terminal facilities, transfer facilities, and the control of the relations between rail and water carriers in such a way as to prevent the rail carriers from sandbagging the water carriers and driving them out of business. We have never yet sought to exercise those powers. We have hardly attempted it. The attention of the Interstate Commerce Commission has not been directed to it. There is no use in directing the attention of the country to that question until we have made the waterway as nearly perfect as an instrumentality for transportation as the railway itself is.

They are developing to-day carriers taking the place of the old canal boats that will carry from 1,000 to 2,000 tons; and on the Rhine you will see such carriers, 8 or 10 in number, moving along, propelled or directed by a small tugboat. A boat that will carry 1,000 tons will carry as much freight as a train of 20 cars of 50 tons capacity each.

Mr. THOMAS. Mr. President, I thought I was yielding for a question. I do not want to interrupt the Senator, but I am pretty nearly through.

Mr. NEWLANDS. I wanted to add a little to the abundant information which the Senator has given to the Senate. My purpose was not to ask a question, but to add a little, in a supplementary way, to what the Senator was saying.

Mr. NORRIS. Mr. President—

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. May I ask the Senator from Colorado if he will tell the Senate how large an amount of money is carried in the bill that he has commended so highly to the Senator from Nevada?

Mr. THOMAS. The Senator from Nevada can answer that question better than I. I think it carries about six hundred millions.

Mr. SMITH of Arizona. Is that all? [Laughter.]

Mr. THOMAS. I think that is all.

Mr. NEWLANDS. In 10 years; only \$60,000,000 a year.

Mr. THOMAS. Just a trifle.

Mr. NEWLANDS. A trifle compared with the five or six hundred millions—possibly a little less—that you propose to expend in military preparedness in a single year.

Mr. NORRIS. When the Senator says "you propose," does he refer to me?

Mr. NEWLANDS. Well, that Congress proposes to expend.

Mr. NORRIS. The Senator from Nevada is extremely fortunate on this occasion in being a Democrat. Otherwise, instead of being commended for the great plan that this bill outlines, he would have been held up as one who was trying to rob the Treasury.

Mr. THOMAS. If the Senator from Nebraska so feels, and is so sensitive about my inclusion of his name in the list which I disclosed, he can escape all that criticism, if he is correct, by coming over on this side of the Chamber.

Mr. NORRIS. I do feel very deeply the criticism, but God knows the remedy is so much worse that I prefer to stand it.

Mr. THOMAS. Mr. President, I am sorry the Senator feels very deeply the criticism—very sorry, indeed. He has never tried the remedy, however, and he does not know, therefore, whether it is good or bad.

Mr. BRANDEGEE. Mr. President—

Mr. THOMAS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator has stated that if the price of having efficiency of coordination and operation of the rail and water systems of the country to the extent which Germany has attained were the adoption of the German autocratic form of government, he would prefer to take his chances with the existing situation, or with such as may be worked out, rather than to accept that.

Mr. THOMAS. Yes; I would rather be free than prosperous.

Mr. BRANDEGEE. In saying that I think the Senator has touched upon one of the principal reasons that differentiates our problem from that in autocratic governments; and I was going to ask, if the Senator wants me to put it in the form of a question—

Mr. THOMAS. Oh, I do not insist upon that.

Mr. BRANDEGEE. I was going to ask the Senator if he did not think the two systems were entirely different in this respect: That in an autocratic government, where the activities of the people are directed by the government to such an extent as they are in Germany, a great problem like rail and water transportation over a country of great size necessitates, to have it successful, a continuous policy, whereas in a free Republic like this, where the parties are changing from year to year, and their policies are changing, it is very questionable if the Government could operate such a system?

Mr. THOMAS. I think I stated that it was a serious problem in my mind whether we could take the beneficial parts of the German system without taking those that were repulsive to the average American.

Mr. BRANDEGEE. And if we do not get the beneficial parts, whatever we did in that line for a year or two might be utterly wasted when the policy of the Government changed.

Mr. THOMAS. Yes; it might be. I think, however, that it is possible—I hope it is—to differentiate between the desirable parts and the undesirable parts of the system, if this question can not be solved in any other way.

Now, a word with regard to the bill of the Senator from Nevada [Mr. NEWLANDS], to which I referred. I stated, or intended to state when I referred to it and commended it, that, to my mind, it was a systematic and intelligent solution of what may be called the water question, and that we would have to resort to that system or to some other system, substituting it for such measures as this bill and the flood-control bill and those other bills which are designed in a haphazard sort of way to improve here, there, and yonder, if we ever got our rivers as a system either navigable or safe; that is to say, safe from floods and from the destructive consequences of these huge masses of water that so frequently devastate these regions. I am not in favor of adopting it now. I would be willing to chance it—and when I say "chance it" I have no reference to the terms of the bill, but to the condition of our Treasury—if we could begin such a system by substituting it for that which I am discussing and for other similar measures.

Mr. President, I have talked upon this subject longer than I intended, and longer than I assured my distinguished and genial friend from Arkansas [Mr. CLARKE] that I would probably occupy. There are one or two other features of the discussion to which I might refer, but I shall content myself by refraining from it. I can not, Mr. President, vote for this bill, notwithstanding its many important and highly essential features.



Mr. NORRIS. Mr. President, may I ask the Senator from Arkansas whether he intends to proceed further with the bill to-night or what his purpose is?

Mr. CLARKE of Arkansas. Some days since I moved an executive session, and provoked some controversy privately. I thought I would not venture on that any more. Unless somebody else intends to move one, I intend to ask the Senate to take a recess until to-morrow at 11 o'clock.

Mr. NORRIS. The Senator wishes to do that now, does he?

Mr. CLARKE of Arkansas. Yes. It is useless to take up any item of the bill at this time.

I desire to say, however, that from this time forward I am going to put the responsibility of delaying this bill upon those who unnecessarily debate it. I am going to test the question as to whether or not the Senate is willing to enforce its existing rules when I shall hereafter object to these so-called interruptions of Senators who are addressing the Senate.

My observation of 10 years convinces me that these interruptions prolong debate and do not elucidate the question to which they are addressed. They are an abuse of the right of debate that I am satisfied Senators themselves would be glad to be rid of if they had the opportunity without appearing to be discourteous to others.

I shall therefore ask that a somewhat more businesslike and systematic method of discussing the bill shall be adhered to from this time forward, not with any view at all of putting limitations upon the right of debate, because that exists under the rules, and as long as it exists it must be recognized and respected; but there are a great many abuses that have imperceptibly ingrafted themselves upon it that I think may be abandoned for the present time.

We are now entering upon the tenth day of the consideration of this bill, and we have considered only two or three of the proposed amendments. I feel satisfied that the Senate does not intend to deliberately sit here and waste its time; but if that is its policy, I, as a Member of it, have no ability, and therefore no desire, to change the current of events.

Mr. KENYON. Mr. President, is it not true that two days have been devoted to other matters?

Mr. CLARKE of Arkansas. I am sure the Senator is correct about that, because I have had the cooperation of the Senator from Iowa. He has not filibustered. He has not improperly obstructed the consideration of this bill. He is opposed to it, and he said so; and everything that he has done has been done in a manly and proper way. I have not the slightest criticism to address to anything he has done.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

S. 4603. An act to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala.;

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges; and

S. J. Res. 119. Joint resolution to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period.

#### RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 19, 1916, at 11 o'clock a. m.

### HOUSE OF REPRESENTATIVES.

THURSDAY, May 18, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that under the dispensation of Thy providence we are permitted to assemble once more within these historic walls where legislative enactments become a part of the body politic. Inspire these Thy servants with clear perceptions, high resolves, and patriotic endeavors, that good government may more and more obtain, and wherever the Stars and Stripes shall float on land or sea life, liberty, truth, and justice may be upheld and maintained, not only for the good of our Republic but for the good of all mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### SWEARING IN A MEMBER—GEORGE M. BOWERS.

Mr. MANN. Mr. Speaker, Mr. BOWERS, who has just been elected to fill the vacancy in the second district of West Virginia, is here, though his certificate has not yet been made out. I have consulted with Members on the other side, and I ask unanimous consent that Mr. BOWERS may be sworn in as a Member notwithstanding the fact that his certificate has not yet been received.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Mr. BOWERS, of the second district of West Virginia, a newly elected Member, shall be sworn in, notwithstanding his credentials have not yet arrived.

Mr. KITCHIN. I understand that we have several precedents for this.

Mr. FITZGERALD. Is there any controversy over the election?

Mr. MANN. There is no contest over the certificate.

Mr. KITCHIN. I understand that we have some precedents to this effect, and I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOWERS appeared at the bar of the House and took the oath of office as Representative.

#### EXTENSION OF REMARKS—WOMAN SUFFRAGE.

Mr. McCRACKEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a resolution on the subject of woman suffrage.

The SPEAKER. The gentleman from Idaho [Mr. McCRACKEN] asks unanimous consent to extend his remarks in the Record by printing a resolution on the question of woman suffrage. Is there objection?

Mr. FITZGERALD. A resolution by whom?

Mr. McCRACKEN. It is from a number of citizens who held a mass meeting in my home city of Boise, Idaho, on May 9.

Mr. FITZGERALD. I do not think we should print all the resolutions in the Record on these various questions.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I will object, Mr. Speaker.

Mr. MANN. I hope the gentleman will not object. It is a very short resolution from the gentleman's home city.

Mr. FITZGERALD. From his home town? If it is from the "home folks," I will not object. I hope this will not be a common practice, however.

Mr. McCRACKEN. I thank you. I will ask to put in only one of several similar resolutions which I have received.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on next Wednesday, immediately after the reading of the Journal, the House take up for consideration the bill known as the California and Oregon land-forfeiture bill (H. R. 14864). I believe every man in the House knows the urgent importance of getting this bill through. Congress must take some action under the Supreme Court decision of June 9, and we can finish it on that day, and I hope there will be no objection.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on next Wednesday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, that the Oregon and California railroad forfeiture land bill be taken up.

Mr. CRISP. Mr. Speaker, reserving the right to object, I would like to make this inquiry: The Committee on Flood Control yesterday finished their bill, and they lost the call under Calendar Wednesday. Is it the intention of the gentleman from North Carolina, when this Oregon land bill is disposed of, that the call will go where it now is or with the committee reporting the Oregon land bill?

Mr. KITCHIN. We can take up the regular order on Calendar Wednesday where it left off.

Mr. CRISP. I thought it wise to bring that out.

Mr. KITCHIN. I understand that the Judiciary Committee under the calendar has the first call.

Mr. MANN. The Ways and Means Committee is ahead of that.

Mr. KITCHIN. The Ways and Means Committee has the call, and we will arrange that with the chairman of the Judiciary Committee.

The SPEAKER. Of course if this consent is granted and this bill that the gentleman from North Carolina is referring to does not take up all of Calendar Wednesday, we will start

in on business of Calendar Wednesday. Is there objection? [After a pause.] The Chair hears none.

The Chair wishes to call the attention of Members of the House to one rule of the House that is constantly violated, and that is that when rolls are being called Members crowd up around these clerks and make inquiries and suggestions. It disturbs the clerks and it raises suspicion in the minds of the other Members. It is specifically against the rules and in bad form.

#### UNITED STATES SHIPPING BOARD.

The SPEAKER. The House will resolve itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, with the gentleman from Tennessee [Mr. GARRETT] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized.

Mr. GREENE of Massachusetts. Mr. Chairman, the gentleman from Michigan [Mr. FORDNEY] commenced his remarks the other day, and had 15 minutes.

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for 15 minutes.

Mr. FORDNEY. Mr. Chairman, perhaps nothing I may say here will change the mind of any man within the sound of my voice in reference to his vote on this bill. The President has directed his party to rush this legislation to its final enactment, and I presume this will be done without regard to any argument that might be presented.

First of all, gentlemen, permit me to say there are many reasons, under present conditions, why it is practically impossible to establish a merchant marine under the American flag, notwithstanding the fact that the great majority of the people of this country are strongly in favor of the establishment of a merchant marine under the Stars and Stripes.

Mr. Chairman, in the construction of a ship in the United States nine-tenths of the cost is labor, and when labor in the shipyards of the United States is paid from two to ten times the amount paid to labor in the shipyards in foreign countries it is evident to a business man that it is impossible to build ships in American shipyards to engage in foreign trade.

That alone is sufficient under existing laws to prevent our having a merchant marine to-day under the American flag. It is a well-known fact that in the shipyards of the United States skilled labor receives from \$3 to \$5 a day. I have here a report issued by the Department of Commerce, dated May 8—Monday of last week—in which it is shown that in the shipyards of Japan to-day 40,000 skilled laborers are employed, and the wages are 70 sen per day, or 34.9 cents in gold.

In the shipyards of Great Britain labor receives higher wages than in any other shipyards in the world outside of the United States, and those laborers receive not to exceed 50 per cent of the wages paid in this country in our shipyards. Therefore, when a ship is built in this country costing \$1,000,000, \$900,000 of that cost is labor, whereas the labor in England costs not to exceed one-half and the labor in Japan not to exceed one-tenth of that sum.

Now, when it comes to operating the ship, I have some figures here to which I want to call attention. At the present time there are three ships owned by Mr. Robert Dollar, a resident of San Francisco, one of which is operated under the Japanese flag, another under the English flag, and the third under the American flag.

The labor employed on board the Japanese ship, the *Yasama Maru*, of 402 nominal horsepower, 36 men, costs \$795 a month, or \$9,540 a year. A ship of practically the same size, the *Robert Dollar*, of 433 nominal horsepower, under the English flag, employs 47 men on board, and the labor cost is \$1,308 a month, or \$15,696 a year. The steamer *Algoa*, an American ship, of 430 nominal horsepower, pays \$3,270 per month for labor, or \$39,240 per year, or \$29,700 per year more than the ship flying the Japanese flag, the *Yasama Maru*.

Mr. LAZARO. How many men are on board?

Mr. FORDNEY. Forty-nine men, as against only 36 men under the Japanese flag and 47 men under the English flag; a difference of \$29,700 per year between the Japanese ship and the American ship for labor.

In addition to that, the ship under the American flag must undergo inspection and measurement each year, and the cost of inspection over that of a ship flying the English flag or the Japanese flag is about \$3,000 a year and for measurement about \$5,500 a year, or a difference in the cost of operating the American ship over and above that of operating the Japanese ship of \$38,200 a year.

Those are difficulties, gentlemen, that you must face when you sail a ship under the American flag in competition with foreigners; first, your cost of construction; and, second, the cost of operating the ship; then in addition to all this is the subsidy paid by foreign Governments to their ships.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question?

Mr. FORDNEY. I will.

Mr. LONGWORTH. Has the gentleman any figures there as to the difference in the cost of subsistence of the crews between Japanese sailors, for example, and the American sailors?

Mr. FORDNEY. Under the Japanese flag, I will say from my general knowledge, the cost of subsistence for the crews where oriental labor is employed is far below that under the American flag. It is shown here that able-bodied seamen under the American flag receive from \$35 to \$40 a month, while under the Japanese flag and under the English flag, with oriental labor in the Pacific Ocean trade the seaman is paid \$8 a month. The citizens of nearly every country in this world except the United States are permitted under existing laws to go into any country in the world and purchase ships and bring them under their respective flags, and further to employ laborers wherever they can be found.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a question there?

Mr. FORDNEY. For just a question, please.

Mr. ALEXANDER. Is it not true that ships under the American flag in the Pacific trade can employ Chinese or Japanese crews?

Mr. FORDNEY. Yes; that is true. But under our navigation laws a certain percentage of the crew must be American citizens, and they will not work with foreigners unless such foreigners are paid the American scale of wages.

Mr. ALEXANDER. They have Chinese crews on those ships.

Mr. FORDNEY. That is true; but they pay them the American scale of wages.

Mr. ALEXANDER. I know that they do not.

Mr. FORDNEY. I know that they do. I put my word against the gentleman's on that question. I have been on board the ships whose names I have mentioned, and I know they had some Chinamen on board, and I know they received the American scale of wages. The gentleman from Missouri does not know that, because he was not there with me. [Applause on the Republican side.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. FESS. What would be the policy under this proposed bill—to build naval reserves and equip them with foreign operators?

Mr. FORDNEY. It would be a ridiculous proposition. To-day we have American colliers, auxiliary to the Navy of the United States, and my colleague from Michigan [Mr. LOUD] is very well informed as to the operation of those ships, and I am going to ask him to give me some figures. He mentioned a ship the other day, a ship operated on the Great Lakes under the American flag, the steamer *W. F. White*, of 10,500 gross tons, that carried more freight during the season operated last year in round trips of 1,050 miles than 18 colliers owned by this Government.

This ship, the *W. F. White*, makes a round trip, in six days, of 1,050 miles. She loads 10,500 tons in four hours and unloads in seven hours. The Government-operated colliers made 3,000 miles to the round trip and four round trips a year, or one trip in 3 months, which would give 10 days for sailing, 40 days for loading, and 40 days for unloading. Yet you propose to establish a merchant marine under the American flag, operated by the Federal Government, knowing full well that the Government can not operate as cheaply as private enterprise.

The railroads of the United States for the year 1913 paid \$15.86 a week to their labor and carried freight for seventy-two one-hundredths of a cent per ton per mile, while Government-owned railroads in Germany paid \$7.86 a week to their employees and charged 1.42 cents per ton per mile for carrying freight. [Applause on the Republican side.] In other words, gentlemen, under private ownership in the United States labor can receive double the wages paid by the Government of Germany, and carry freight for one-half the price that it is carried for by Government-owned railroads in Germany.



It is true we can establish a merchant marine in this country if Uncle Sam will pay the bills. You propose to establish here a commission to fix rates. You can not control the rates on foreign ships sailing under foreign flags, with which the American ships come in competition. You can only control the rates charged by American citizens on American ships; and in the operation of a ship like the *Robert Dollar*, to which I have called attention—on which the labor, inspection, and measurement costs are \$32,000 a year more than on a ship of the same size under the English flag and still greater under the Japanese flag—you can only operate in competition with those ships by going down into Uncle Sam's pocket and digging up the money to pay the difference or loss. You know and I know and every sensible business man knows that there is no business enterprise that can be carried on by the Federal Government as cheaply as by private enterprise. [Applause on the Republican side.] My friends, if you are willing to pay a subsidy sufficient to offset the difference in the cost of operating a ship under the English flag as compared with the cost of operating an American ship on the high seas, then you can maintain a merchant marine. But first, my friends, you must change our navigation laws; for, as I have said, shipowners under practically any flag of any country in the world except the United States are permitted to go into any country in the world and employ their labor at such price as they can find it. That can not be done under the American flag. This bill does not give American shipowners permission to do that. Gentlemen, are you ready to repeal practically all our navigation laws and to permit American capital to go into any country of the world and purchase ships, bring them under the American flag, and employ their labor—in the Orient, if they so choose—at \$8 a month, and in addition thereto have our Government pay a subsidy to our ships equal to the subsidy paid by England, Japan, Germany, France, or any other country? One ship of 10,500 tons capacity which I have mentioned carried on the Great Lakes more freight last year than all the 18 colliers of the United States Government, with a total tonnage of 167,000 tons. Eleven fuel ships owned by the Federal Government, of more than 10,500 tons capacity each, carried but about half the freight last year, all combined, that was carried by this one ship on the Great Lakes.

Mr. HARDY. Will the gentleman yield for a question?

Mr. FORDNEY. Yes; if the gentleman will be brief.

Mr. HARDY. Has the gentleman figured out what would be the difference necessary to be paid by subsidy in order to float 6,000,000 tons of American cargo freight?

Mr. FORDNEY. No; but let me say to my friend, with all the advantages to English, German, French, Japanese, and Belgian ships, France paid last year, in round numbers, \$13,500,000 subsidy and England paid nearly \$10,000,000 subsidy, and Germany and other countries smaller amounts, and yet some of our people wonder why we do not have an American merchant marine.

Mr. HARDY. Will the gentleman give the House even an approximate guess at how much of a subsidy we would have to pay?

Mr. FORDNEY. It does not make any difference how much it is, before you can establish an American merchant marine and run it successfully you will be compelled to permit your ships to compete with foreigners, and you must subsidize them in the same measure that the ships of foreign countries are subsidized or you can never have an American merchant marine.

Mr. HARDY. Will the gentleman yield for one more question?

Mr. FORDNEY. Yes.

Mr. HARDY. Would even \$100,000,000 accomplish it?

Mr. FORDNEY. I do not know; but I do know to operate an American merchant marine by Government will cost us more, twice over, than if we were to give proper Government aid to private ownership. No country in the world to-day has a merchant marine operated by Government.

Mr. MADDEN. Will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GREENE of Massachusetts. I yield to the gentleman 10 minutes more.

Mr. FORDNEY. I thank the gentleman from Massachusetts.

Mr. MADDEN. Suppose the Government of the United States were to invest the amount of money necessary to buy 6,000,000 tons of shipping to be used in the merchant shipping trade and put them into operation under Government management, and to meet the loss which it is presumed they would make under Government management, how much would the subsidy amount to that would have to be paid out of the Treasury to make up the loss?

Mr. FORDNEY. Three to five times what a direct subsidy would amount to paid to private enterprise. There is no question about that. [Applause on the Republican side.]

Now, gentlemen, you propose to go into the markets of the world at this time to purchase ships to establish a merchant marine. My good friend, Mr. Loun, on Tuesday called your attention briefly, because his time was limited, to the sale of a ship owned by Mr. Dollar, which I have mentioned here. Mr. Dollar is an old-time friend of mine, formerly a Michigan man. He came into my office about six weeks ago and said that only the day before he had sold a ship for thirteen hundred thousand dollars cash, for which ship 10 years before he had paid but \$238,000. He sold the ship for five times what she cost 10 years ago, and yet you, my Democratic friends, propose to go out in the open market now and purchase ships to establish a merchant marine under such abnormal conditions. It is an absolute impossibility, without looting the Treasury of the United States. It can not be done; the proposition is absurd.

As an illustration of what the Government is paying her labor on Government-owned railroads and what other countries are paying, I want to say that the wage scale in England (in normal times before the war), railroad labor in 1913 received \$5.36 per week, and in France \$5 per week, and in Germany \$7.87 a week—all other labor in Germany receives no more than is paid for the same employment in England and France—and in the United States, as I have said, \$15.86 per week. And yet we carry freight per ton per mile on American railroads by private enterprise cheaper than freight is carried on any railroad under God's sun. And yet, my Democratic friends, you are advocating Government control not only of ships but of our railroads.

Go down to the navy yard, as I did a few days ago, and see them making 3-inch shells. It was but a short time before that I was in an institution in Pittsburgh operated under private enterprise, where they were making 3-inch shells by machinery speeded up, and I found that the man in the institution at Pittsburgh was turning out five shells to one turned out down here in the navy yard. And yet you want to build armor-plate plants and all sorts of Government enterprises to take the money out of the peoples' pockets and pay for it two, three, or five times what it can be done for by private enterprise. Please investigate these matters before moving in the dark.

Mr. MILLER of Pennsylvania. The gentleman from Illinois [Mr. TAVENNER] has got a bill that will remedy all that by shortening the time.

Mr. FORDNEY. Shortening the time of labor; yes. One man said some time ago he was in favor of shorter hours for a day's work, more pay for that day's work, and a lower price for the product of that labor. [Laughter.] Try it; put your money in the merchant marine to-day under the American flag and see how quickly you will become bankrupt working in competition with ships under foreign flags.

Mr. SABATH. Will the gentleman yield?

Mr. FORDNEY. For a question.

Mr. SABATH. Was not the same argument that the gentleman is making made some years ago about the manufacture of powder, that the Government could not compete with the Powder Trust, and did we not demonstrate that we could?

Mr. FORDNEY. I am not familiar with that subject and can not answer the gentleman, because I have not given any study to it. I do know that there is so much red tape and so much politics connected with Government-owned institutions that it is impossible to make a success alongside of private enterprise well conducted. [Applause on the Republican side.]

Mr. MILLER of Pennsylvania. Has Congress attempted during the last 50 years to pass a subsidy bill?

Mr. FORDNEY. Yes; subsidy bills have been before Congress ever since I have been a Member of this House.

Mr. MILLER of Pennsylvania. But they would not pass?

Mr. FORDNEY. No.

Mr. MILLER of Pennsylvania. Never succeeded in passing one?

Mr. FORDNEY. No.

Mr. MILLER of Pennsylvania. What is the remedy?

Mr. FORDNEY. Repeal all your navigation laws and let your shipowner buy his ships where he pleases in the markets of the world and employ labor where he pleases. Do you want to do that?

Mr. MILLER of Pennsylvania. Why did not the Republican Congress pass a subsidy bill?

Mr. FORDNEY. In the first place, nearly all the Democrats and many Republicans always voted no. They evidently did not think it wise to take the money out of the Treasury of the United States to the extent that would be necessary to put American ships in fair competition with foreigners, but this bill

which you are in favor of will take twice that money out of the Treasury to do it.

Mr. MILLER of Pennsylvania. But we will never have a merchant marine if we do not get it this way, according to the gentleman's own argument. [Applause on the Democratic side.]

Mr. FORDNEY. I have conveyed by my remarks no such meaning, but am arguing that we can, by Government aid properly given to private enterprise, accomplish the desired end in a far more satisfactory manner than by Government ownership, and at not to exceed one-half the cost to the Government.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Kansas [Mr. CAMPBELL] eight minutes.

Mr. CAMPBELL. Mr. Chairman, to justify the enactment of a law of this character, the natural and probable effect of the law should be the creation of a merchant marine in the United States. There is no man here who believes that the natural and probable effect of this law will be the creation of a merchant marine in the United States. All know it will not. The proposed purchase or construction of \$50,000,000 worth of tonnage would make less than 10 per cent of the amount necessary for a merchant marine such as would give us control of our commerce on the sea. Now, this 10 per cent of Government owned and operated merchant marine, in competition with our present very small privately owned merchant marine—a little over 14 per cent—and in competition with the merchant marine of the world would simply make the Government of the United States another competitor with this small 14 per cent of privately owned merchant marine under the United States flag. If the Government of the United States carries commerce as cheaply as Japan or as Italy, Austria, or as any ocean-carrying country, we will have to carry it at a loss, and the Government will have to make up the difference out of the Treasury. The effect of the \$50,000,000 investment will be to discourage private capital further from investing in merchant marine in the United States. Private capital will not invest in a business in which it has not only to compete with the cheap labor of all the world, but with the Government of the United States in the same business, and the Government of the United States at the same time regulating and controlling that portion of its competitors in the merchant marine of the world that is owned by private capital in the United States and under the American flag. Why, there is every possible deterrent for American capital to engage in ocean transportation under the American flag by the provisions of that portion of this bill that proposes to engage the Government of the United States in carrying the ocean commerce of the country in competition with the privately owned ships in the United States and the ocean carriers of all the world.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield for a short question?

Mr. CAMPBELL. For a very short one.

Mr. COOPER of Ohio. In the countries of Germany, France, and Great Britain, where they have been successful in building up a merchant marine, are those lines Government owned or have they been built up by subsidies?

Mr. CAMPBELL. They have been built up by subsidies and by the encouragement of the Governments, and are owned by private capital. No country in the world has built up a merchant marine by a Government-owned merchant marine such as is here proposed.

Mr. ALEXANDER. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. ALEXANDER. Is the gentleman in accord with the gentleman from Michigan [Mr. FORDNEY], in favor of subsidizing an American merchant marine?

Mr. CAMPBELL. No; I am not. I do not believe it is practicable, under the conditions of the commerce of the world to-day, to put a great merchant marine upon the seas by subsidies that can compete with the world. Our labor cost will not permit that now.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. CAMPBELL. In a moment. We can not compete with the world in ocean transportation, because we can not equalize the conditions. Even if the Treasury of the United States were full of money, it would not be practicable now to try to put a merchant marine on the seas to compete with the world in the carrying of the commerce of the world by subsidies. Now I yield to the gentleman.

Mr. GOODWIN of Arkansas. What is the gentleman's remedy for building up a merchant marine?

Mr. CAMPBELL. I will tell the gentleman what I would do. In the first place I would give every ship under the American flag the right to go through the Panama Canal without paying tolls. [Applause on Republican side.] I would give that encouragement. In the second place I would negotiate with all

the countries of the world for the repeal of those treaties of commerce that now prevent us from giving a preferential tariff to commerce carried in American bottoms. [Applause on Republican side.] In that way I would encourage American ocean commerce. And, third, I would, in addition to that, offer premiums from the Treasury of the United States for the most expeditious transportation of the mails of the United States in every direction. [Applause on Republican side.]

We should not pay a dollar out of the United States Treasury to any ship carrying a foreign flag for carrying the mails of the United States if we could get American ships to carry the mails as expeditiously as foreign ships, and they will if we give them all of these encouragements. I believe that in these three ways we could build up a merchant marine.

Now it is not an opportune time to either purchase or build a merchant marine, even by the Government of the United States. No business man would do that. Construction cost is abnormally high. It is not now in order, either, to argue that we are not exporting the products of the farm and factory, because we are to a larger extent than ever before in our history. There is no condition existing to-day that justifies this Congress under any leadership in embarking upon the paternal business of carrying the commerce of the country for the purpose of marketing the products of any industry in the United States, because every industry is to-day marketing its products to a larger extent than ever before in the markets of the world. Why, there has been talk within the 18 months since these bills have been under consideration of an embargo on almost every variety of farm and factory products, and there is now a pressing demand in the country for an embargo on print paper. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I would like to inquire of the chairman of the committee if he is going to conclude in one speech?

Mr. ALEXANDER. I desire to make a few remarks and then expect to conclude in one speech.

Mr. GREENE of Massachusetts. I have 15 minutes remaining.

Mr. ALEXANDER. How much time did the gentleman have to begin with?

Mr. GREENE of Massachusetts. I have one speech to occupy 15 minutes' time.

The CHAIRMAN. The gentleman from Missouri has 20 minutes and the gentleman from Massachusetts has 15 minutes remaining.

Mr. ALEXANDER. I had 25.

The CHAIRMAN. The Chair is a temporary occupant of the chair and is simply stating what the Clerk at the desk says.

Mr. GREENE of Massachusetts. Last night when we adjourned the gentleman from Missouri had 25 minutes and I held 40 minutes, unless something has transpired to the time since.

The CHAIRMAN. The Chair knows the gentleman from Missouri has not used any time to-day.

Mr. GREENE of Massachusetts. He had 25 minutes.

The CHAIRMAN. The gentleman from Missouri, then, has 25 minutes and the gentleman from Massachusetts 15.

Mr. ALEXANDER. Mr. Chairman, it is my purpose, in answer to the gentleman from Michigan [Mr. FORDNEY], to make a few remarks just to clear up a few misunderstandings, although there is no occasion for any such misunderstandings. It has been stated time and time again that one of the handicaps to the rehabilitation of our American merchant marine is that we are compelled to have American officers and seamen on vessels under the American flag. That is accurate. Under the law the watch officers on an American ship must be American citizens. The crew may be citizens of any nation. There is no limitation upon the nationality of the crews aside from the watch officers. Until the Pacific Mail Steamship Co. went out of business, some time during last year, the crews on their vessels running between the Pacific coast and the Orient, except the watch officers, were Chinamen, and, notwithstanding the statement of the gentleman from Michigan [Mr. FORDNEY] to the contrary, they were paid from \$7 to \$9 a month. They did not receive the American scale of wages. Mr. Schwerin, vice president and general manager of that company, appeared before our committee time and time again in former Congresses and testified when the seamen's bill, the American merchant marine, and other important legislation was under consideration by the committee, and made that statement; and, as I have said, there is no law forbidding vessels under the American flag from employing Chinese crews, except watch officers, if they can qualify under the seamen's law. The steamship *China*, which was bought from the Pacific Mail Steamship Co. by San Francisco parties, and I understand is the only vessel now being operated



from San Francisco to the Orient under the American flag, employs a Chinese crew qualified under the seamen's law.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MADDEN. What about the compensation to be paid to these men? Is that the American standard of wages?

Mr. ALEXANDER. I understand they receive the same standard of wages as the crews on the Japanese ships.

Mr. CANNON. Will the gentleman allow me?

Mr. ALEXANDER. Yes.

Mr. CANNON. From where to where?

Mr. ALEXANDER. From San Francisco to Japan and China and back—across the Pacific.

Mr. CANNON. That is the China?

Mr. ALEXANDER. The steamship China.

Mr. CANNON. That sails from the United States to the Orient?

Mr. ALEXANDER. Yes.

Mr. COOPER of Ohio. Will the gentleman yield for a question?

Mr. ALEXANDER. Certainly.

Mr. COOPER of Ohio. If this bill passes and this \$50,000,000 is appropriated for American Government-owned ships, does the gentleman want to man those ships with coolie labor?

Mr. ALEXANDER. No. I think we can put them under the American flag and employ white men, and I think we can introduce economies in operation that will in large measure tend to equalize the difference in cost of operation.

The gentleman from Michigan [Mr. FORDNEY] could not remember whether any economies had been secured to the Government in the manufacture of powder. When I came here in the Sixtieth Congress we were paying 72 cents a pound for powder for the Navy. We built a powder plant since that time down at Indianhead and are now manufacturing powder at from 45 to 48 cents a pound by the Government.

Mr. FORDNEY. Will the gentleman yield?

Mr. KITCHIN. Thirty-three cents a pound.

Mr. ALEXANDER. The majority leader says 33 cents. I did not think it was so low.

Mr. KITCHIN. Last year it was 36 cents, and this year it will be 33 cents.

Mr. FORDNEY. How can you operate American shipping and pay American wages against \$8 paid under the Japanese and Chinese flags?

Mr. ALEXANDER. Let me ask the gentleman a question. Those who want to subsidize ships, at the same time want to use the cheapest labor in the world.

Mr. FORDNEY. Japan paid more than \$5,000,000 in subsidies last year in addition to this cheap labor.

Mr. ALEXANDER. Before this debate is through I am going to give you the laws of Japan controlling its subsidized ships, and there is no subsidy advocate in this country has ever expressed a willingness to yield to any such supervision and control. And if this bill becomes a law and provides for the supervision and control of rates on American shipping in the foreign trade, one serious objection may be removed to some reasonable form of subvention to mail lines under the American flag where needed, but to give them subventions now without any manner of control would be absurd. It would be an outrage on the American people.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ALEXANDER. I can not yield; my time is limited.

Mr. LONGWORTH. For my own information.

Mr. ALEXANDER. You will get plenty of it in the course of this debate.

Mr. LONGWORTH. I simply wanted to ask—

Mr. ALEXANDER. I can not yield now.

Now, in reference to the people who favor this bill. The Chamber of Commerce of the United States submitted the provisions of the ship-purchase bill which passed this House in the last Congress to the constituent bodies of which the Chamber of Commerce of the United States is composed in the form of a referendum, and the report on the bill was adverse.

The Chamber of Commerce of the United States does favor the creation of a shipping board. It favors vesting that board with power to supervise carriers by water and reasonable regulation of ocean freight rates. The bill H. R. 450, which I introduced at the beginning of this Congress to carry out the recommendations of the Committee on the Merchant Marine and Fisheries, following the investigation of the Shipping Trust, seems to meet the views of the Chamber of Commerce of the United States. The bill was printed in full in referendum No. 9, submitted by the chamber of commerce to the various commercial bodies of the United States which are members of the chamber of commerce, and was given very careful consid-

eration, and we have incorporated the most important provisions of that bill (H. R. 450) in the bill now under consideration (H. R. 15455).

Now, we must do something. I have no patience with those who are familiar with conditions in our over-seas trade and would say, "Let us do nothing." The policy of laissez faire does not appeal to me. The time for action has come. We have slept too long on our rights. Further delay is little short of a crime. While this measure may not be ideal from everyone's viewpoint, and while it may not in all respects reflect your views or my views, yet as a constructive measure I believe it is the best measure presented to the Congress since the Civil War, and if enacted into law will prove a great piece of constructive legislation.

The special committee on merchant marine of the Chamber of Commerce of the United States, of which Mr. William Harris Douglas, of New York; John A. Penton, who for many years was secretary of the Merchant Marine League; Ludwig Nissen, Bernard J. Rothwell, H. A. Black, and Thomas L. Stitt were members, have given great consideration to the question of our merchant marine. As I have stated, the report of the Chamber of Commerce of the United States was adverse to the ship-purchase bill introduced by me in the last Congress and to certain provisions of the bill (H. R. 10500) for which this bill is reported as a substitute.

The action of the chamber of commerce was largely influenced, if not controlled, by the views of the special committee of which Mr. Douglas was chairman.

Mr. Douglas and Mr. Stitt have followed this legislation at every step with the keenest interest. Mr. Douglas appeared before the committee at the hearings on House bill 10500 and gave the committee the benefit of his views; and Mr. Stitt submitted his views to the committee in writing in a letter addressed to me.

Both have received copies of the bill H. R. 15455, now under consideration.

I have a letter from Mr. Douglas favoring this bill. His letter is as follows:

NEW YORK, May 12, 1916.

Hon. J. W. ALEXANDER,

Chairman Merchant Marine and Fisheries Committee,  
House of Representatives, Washington, D. C.

MY DEAR MR. ALEXANDER: I duly received bill now introduced in the House as substitute of H. R. 10500, and for your courtesy accept my thanks. I feel that your willingness to meet the unquestioned sentiment of the country, that permanent Government operation should not be undertaken in shipping matters, is most commendable and does you great credit, and it gives me pleasure to so state. You will probably remember that at the hearing in February I distinctly stated that it was my personal opinion that if you did this it would remove very considerably any objection to the measure. I am glad to note that one or two other suggestions which I made have also been accepted by your committee.

The general terms of the bill are fair and honest, and personally I shall state that I strongly favor its passage and sincerely trust that it will become a law. You have been most painstaking and careful in everything you have done and fair; and while many of us will not agree it will accomplish quickly or in the best method the results some of us hope for, you certainly should have the thanks of all, and I am pleased to extend mine.

Yours, very truly,

WM. H. DOUGLAS.

Mr. SLAYDEN. Who is that, I will ask the gentleman from Missouri?

Mr. ALEXANDER. That is William H. Douglas, of New York, a member of the firm of Arkell & Douglas (Inc.), capital \$1,000,000, shipping and commission merchants, export and import, of New York.

Mr. KITCHIN. He is president of the Chamber of Commerce, is he not?

Mr. ALEXANDER. No; not now; but he is, and has been from its foundation, one of its leading members.

Now, I have another letter from a member of that committee, Mr. Thomas L. Stitt, of Chicago, a member of the Chamber of Commerce of the United States, of which the commercial bodies of Chicago are constituent members. He is a member of the special committee to which I have referred. He says:

CHICAGO, ILL., May 12, 1916.

Hon. JOSHUA W. ALEXANDER, M. C.,

Chairman Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D. C.

DEAR SIR: I have had before me since yesterday the new shipping bill, being H. R. 15455, which was introduced on May 8. I note with considerable satisfaction that the majority of the suggestions contained in my letter and memorandum of February 21 have been incorporated into the bill, in substance if not in form; and that where they were not incorporated, yet the present form of the bill is such that I can conscientiously say that I consider it a truly constructive measure, which will be beneficial to the shipping interests of the country and to the creation of a naval auxiliary and reserve, and that it will give to the shipping board sufficient power to enable them to eventually demonstrate the importance of a broadening of the scope of the powers of that board after it shall have become a working organization.

I therefore congratulate you and your committee upon the final result of your work, and am glad to be in a position to say that I am now for it and willing to work for its passage. Of course, this is only an expression of my individual opinion, but I am passing it on to you because, as you know, I am a member of the special committee on merchant marine of the Chamber of Commerce of the United States, and propose writing to the chairman and urging upon him that the committee make a formal expression of approval of the bill in its present form, to the end that whatever influence the chamber may have may be cast in favor of the bill this time instead of against it, as was the case a year ago in its then form.

With kind personal regards, I am,  
Yours, very truly,

THOMAS L. STITT.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. FESS. Those two letters were from Douglas and Stitt, representing individual opinions. Does the gentleman mean to say that the Chamber of Commerce of the United States favors this bill?

Mr. ALEXANDER. If the gentleman had paid any attention to the reading of these letters he would have noticed that they expressed individual opinions of the writers.

Mr. FESS. The letters express their individual opinions, but the gentleman does not mean to quote the chamber of commerce?

Mr. ALEXANDER. No; the chamber of commerce has not had an opportunity to express its opinion as a body on this measure. I can give the gentleman the opinion of another member of the special committee of the chamber of commerce who considered the ship-purchase bill. He is a teacher of economics in one of the leading universities of New York. He says, in substance, regarding a Government owned and operated merchant marine, that theories must sometimes give way to conditions.

Mr. FESS. It would not counteract the opinion of the body they belong to. The chamber of commerce is not in favor of this measure.

Mr. ALEXANDER. I do not know. They have not had any referendum on it. It was not introduced in the House until May 8.

Mr. FESS. Will the gentleman allow me to insert a communication on that subject that I have in my desk?

Mr. ALEXANDER. There will not be any official communication on this bill from the Chamber of Commerce of the United States condemning this bill, I am very sure.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. KITCHIN. As to Mr. Douglas, whose letter the gentleman quoted, is he not chairman of the merchant marine committee of the United States Chamber of Commerce, and was he not last year, when he gave in his testimony?

Mr. ALEXANDER. Certainly; that is correct.

Mr. KITCHIN. And being chairman of the merchant-marine committee of the Chamber of Commerce of the United States, it is presumable that he is speaking with some authority and for the sentiment of the Chamber of Commerce?

Mr. ALEXANDER. Yes. The opinion of the Chamber of Commerce of the United States with respect to the shipping bill in the last Congress was molded by the committee of which he is chairman, and I am now quoting from the chairman of the committee and one of the most prominent members of the committee with reference to this legislation and in approval of it.

In the hope of arousing gentlemen on the other side from their lethargy on this great question which vitally affects our prosperity as a nation, I shall submit for your consideration an editorial in the New York World and a letter from his excellency the minister of finance of Peru, addressed to Hon. William G. McAdoo, Secretary of the Treasury, and an article by Hon. Carl Vrooman, Assistant Secretary of Agriculture, entitled "The farmer and the shipping bill."

They follow in order:

[Editorial from the New York World, May 9, 1916.]

#### A SHIPPING BILL THAT SHOULD PASS.

The most important change in the new shipping bill introduced yesterday limits the enterprise to a period of five years from the close of the present war. With this restriction upon an undertaking in public ownership which many Democrats have opposed, it is expected that the measure will find increased favor in Congress.

As amended, that bill provides for necessary pioneering in the re-establishment of our merchant marine, especially in the Latin American trade, in which shipping is sorely needed. It also takes into account the matter of preparedness, for the vessels acquired are to be at the service of the Navy in case of emergency. While \$50,000,000 is appropriated, there may be no such expenditure if private capital can be enlisted, and there will be no Government operation if individuals and corporations agree to act in that capacity.

By these terms the objection to public trading seems to be fully met. The bill not only meets a vital issue squarely, but, in addition, it creates a shipping board empowered to investigate and report on the navigation laws of all countries, to fix reasonable rates and practices, and to prosecute discriminations and illegal combinations by carriers in our ocean-borne commerce.

Much valuable time was lost when the earlier shipping bill was filibustered to death in the Senate. Almost unlimited commercial opportunities in South America and a desirable strengthening of our political relations in that quarter await the enactment of this measure.

THE SECRETARY OF THE TREASURY,  
Washington, May 18, 1916.

Hon. J. W. ALEXANDER,  
House of Representatives.

DEAR MR. ALEXANDER: Herewith I hand you a letter received to-day from his excellency the minister of finance of Peru, dated Lima, April 24, 1916, together with an English translation, from which you will observe that his excellency expresses himself very strongly in favor of the establishment of steamship facilities between the United States and Peru. I had the pleasure of discussing this subject with the minister of finance and other high officials of the Peruvian Government during my visit to Lima on the 23d of April, last, and was strongly impressed by their statements of the imperative need of improved steamship facilities between Peru and the United States if the growing commerce between the two countries is to be protected and encouraged.

Will you kindly return the original letter in Spanish when you have finished with it?

Faithfully, yours,  
(Inclosures.)

W. G. McADOO.

[Translation.]

TREASURY DEPARTMENT,  
Lima, April 24, 1916.

MY DEAR MR. SECRETARY: Among the important resolutions adopted by the Pan American Financial Conference (International High Commission), which met at Buenos Aires early last April, is one referring to the development of rapid means of communication and to the establishment of a steamship line between the United States and South American Republics.

The meeting expressed in this regard the same purposes and aims as have heretofore been manifested by international Pan American gatherings. This was only what was to be expected in view of the great importance of this subject in the economic development of the countries of the American Continent.

The Government and people of Peru are keenly interested in the carrying out of the resolution referred to, and would view with great satisfaction its prompt realization.

Our customs statistics show that the United States ranks as one of our principal markets, so far as our imports are concerned, and that the products of Peru find a ready market in the United States.

A steamship line with more or less definite itineraries which would carry the products of Peru to the United States, and vice versa, in addition to the benefits of an international and political order, would place the products of each in the other countries at excellent prices. Peru would send sugar, minerals, raw cotton, wool, hides, etc., while it would receive from the United States machinery and manufactured goods.

The United States would thereby be in a position to produce in their great factories with raw materials received from Peru merchandise which could compete with that produced in European countries.

It is fitting to recall, in order to dispel any prejudice with regard to the welcome which United States vessels would receive in our ports, that the laws and shipping regulations in Peru are most liberal and the taxes extremely moderate. In support of this statement we beg to refer to the great development of our own coastwise trade. An example of the zeal with which Peru is laboring to develop her maritime traffic is the establishment of the Peruvian Steamship Co., but this line is not in a position, for reasons which will readily be understood, to meet the great demands of traffic between our Republics.

I beg, therefore, to assure your excellency that the Government of Peru, interpreting the sentiment of the people of Peru, is keenly desirous that the Government of the United States should put forth every effort to carry out the resolutions of the financial conference of Buenos Aires (International High Commission) to which I have referred. Permit me to state, furthermore, that the Government of the United States will receive the most cordial cooperation from the Government of Peru in this connection.

Please accept, Mr. Secretary, etc.

A. GARCIA Y LASTRES.

Hon. WILLIAM G. McADOO,  
Secretary of the Treasury of the United States, Washington.

#### THE FARMER AND THE SHIPPING BILL.

[By Carl Vrooman, Assistant Secretary of Agriculture.]

In the past the average farmer has not considered a merchant marine necessary to his happiness or his financial welfare. Our farmers have never been slow to make use of the most up-to-date agricultural implements, of the automobile, or of the tractor. Nor have they been at all backward about fighting for what they considered to be their rights in the matter of railway freight rates. But up to date most of our farmers, particularly in the Middle West, have paid little or no attention to their commercial rights and requirements in the way of ocean transportation. This is not because the question is not to them a vital one, but merely because the facts about it have not been brought to their attention.

If for any unforeseen reason Congress should fail to take steps at this session to provide the country with an independent American merchant marine, it would pay the farmers of America, and "pay them big," to chip in and build a merchant marine for themselves. Our farmers could readily afford to spend, not merely the \$50,000,000 called for by the pending shipping bill but \$100,000,000, or even \$200,000,000, in such an enterprise. If it were necessary, which it would not be, they could run such ships at a yearly loss of from 5 to 10 per cent on the last-named sum and still profit by the undertaking. In other words, it is a fact capable of demonstration that the most crying need of agriculture in this country to-day is for an independent American merchant marine.

#### EXORBITANT OCEAN RATES.

At the beginning of the war it cost about 5 cents a bushel to ship wheat from New York to Liverpool, but during the past few months it has cost over 40 cents. The rate is now 48 cents. At the beginning of the war it cost about one-fourth cent per pound to ship cotton across the Atlantic. To-day it costs in the neighborhood of 3 cents a pound. Other products of our farms and factories are paying similar extortionate freight rates.



As the world price of wheat is determined by the law of supply and demand and is established at Liverpool rather than at your local market or mine, it is clear that if the cost of ocean transportation were to-day 8 cents instead of 48 cents, the wheat growers of this country would receive a substantial part of this difference in a higher price for their wheat. It is a highly significant fact that on February 15, 1916, the cash price of No. 2 hard winter wheat was 49 cents higher in Liverpool than in New York, while on the same day the ocean freight rate for wheat from New York to Liverpool was 47.9 cents. With facts like this staring us in the face it is not difficult to see the close connection existing between ocean freight rates and the price the American farmer gets for his wheat. It is true that we are getting good prices for wheat now, but as Liverpool is paying enormously higher prices, there seems to be no good reason for allowing the international shipping combine to take advantage of the crop shortage in Europe and the ship shortage on the high seas to boost freight rates 100 to 1,600 per cent.

This year we have the largest wheat crop and one of the largest corn crops in our history. If we had adequate shipping facilities for carrying our goods at reasonable rates to the markets of the world prices of farm products would be so enormously increased as to bring a net gain to our farmers of over \$300,000,000 on our wheat alone or our cotton alone. Moreover, even at present exorbitant rates it is impossible to get ships in which to transport to market a large percentage of our products of farm and factory. Not only are all the docks and storehouses of our leading Atlantic ports glutted with goods, but every important railway between the West and our seaboard has its terminals so crowded with loaded cars that a practical railway embargo recently has been declared on further grain shipments from the West.

#### THE SHIPPING SITUATION.

Every day more of the world's merchant ships are being sunk or interned or diverted from the uses of commerce to the purposes of war. Soon after the declaration of war the merchant marine of the central powers, with a shipping tonnage of 5,890,540 tons, was driven from the seas. The world's output of new merchant ships in 1915 was only 1,671,610 tons, or less than half the 1914 output of 3,484,171 tons. During the past 18 months 1,878,000 tons of merchant shipping have been destroyed by belligerents. Moreover, the allies have recently been diverting from the uses of commerce to the necessities of war a large and ever increasing percentage of the British merchant ships, amounting to millions of tons. The net result is that the commercial world not only in this country but in every country to-day is facing the gravest shipping crisis of which there is any record. This crisis will unquestionably get more and more acute every day until the end of the war.

Moreover, after the war, unless we have an independent merchant marine of our own, our commercial and economic position will continue to become more and more untenable and preposterous. Mr. Runciman, chairman of the British Board of Trade, has announced that the allies have arranged an offensive and defensive trade agreement which will enable them to wage commercial war against the central powers after military operations have ceased. The central powers undoubtedly will retaliate with equal, if not greater, vigor. Thus an era of commercial and industrial warfare unparalleled in history will set in. Nations like our own that have no merchant marine, or are inadequately supplied with merchant vessels, will find themselves at the mercy of these warring commercial world powers whose ships will traverse every sea and take advantage of the industrial and commercial necessities of every country which, like ours, is handicapped and commercially hamstrung for lack of ships.

These powerful maritime nations and groups of nations will be in a position to accept for transportation only such of our products as they want for their own use, and to penalize us by charging ruinously high freight rates to other world markets where we might compete with them. In other words, these international maritime combinations would be in a position to erect freight-rate barriers, as difficult to overcome as tariff walls, between us and the markets of other sovereign nations. The tribute levied by the robber barons of the Rhine was infinitesimal as compared with the loot which, as long as our present condition of shipping dependence continues, will be exacted from us and from all nonmaritime nations by these gigantic transportation tyrants of the high seas.

As a result of the present effort on the part of the Federal Department of Agriculture to popularize and render practical and efficient its scientific teachings, the agricultural output of this country is already appreciably on the increase. This means that if the farmers are to continue to get good prices for their products, they must find foreign markets. It is hard to say what the price of wheat would have been during the past two years had we not been able to dispose of several hundred million bushels each year to foreign countries. The farmers of the Middle West are especially interested in securing foreign markets, since the southern farmers, who in the past have taken millions of dollars' worth of northern crops every year, gradually are learning to raise their own corn, oats, hay, and live stock. Last year the South put in 1,827,000 acres of oats, 3,751,000 acres of corn, and 400,000 acres of hay more than the year before, which resulted in an increase in production of 44,709,000 bushels of oats, 201,132,000 bushels of corn, and 1,696,000 tons of hay over the year before. If this process continues, it will mean that the Middle Western States must find a foreign outlet for a portion of their grain, or pay the penalty in lower prices.

#### THE SHIPPING BILL.

There are two possible ways of achieving transportation independence for ourselves on the high seas. We may achieve nominal independence by granting huge subsidies of the people's money to shipping corporations, or we may achieve real independence by investing our money in a fleet of merchant vessels to be owned by the Government, and either leased or operated by the Government itself. The ship-subsidy plan has had the energetic support of various Republican administrations and of Republican leaders of both Houses of Congress. But so persistently and bitterly have the masses of the voters opposed this paternalistic plan of pouring the hard-earned shekels of the taxpayer into the coffers of shipping corporations that uniformly these measures have met with shipwreck in the Halls of Congress. If during the long period since the Civil War, when the Republican Party has had almost absolute power in this country, it has been unable to push through a ship-subsidy measure, it is clear to any sane mind that the American people are permanently and unalterably opposed to the subsidy plan of building up a merchant marine. If we are ever to have a merchant marine in this country, it must be obtained by some other method. The administration

shipping bill is the only bill yet proposed that is based upon sound economics, common sense, and common justice, and it is the only bill that stands any chance of passage by this Congress. It was introduced at the last session of Congress and defeated by a persistent filibuster. It has since been carefully revised and improved in a number of essential particulars.

This plan not only provides for the building of a small but highly efficient merchant marine to carry American produce to the markets of the world in time of peace, but provides also that in case of war these merchant vessels shall all be turned into naval auxiliaries. Thus these vessels will all have a double mission, a double value, and will supply two fundamental and vital needs of our Nation. These vessels are as essential to our naval efficiency in time of war as they are to our industrial efficiency in time of peace.

#### NEED OF NAVAL AUXILIARIES.

Strange as it may sound, the United States at the present time does not really possess a navy. It possesses a number of splendid battleships with a hopelessly inadequate contingent of the other necessary naval units. But battleships do not constitute a navy, any more than a collection of bass drums would constitute a band. It takes many different kinds of instruments to make a band. It requires a number of different parts to make an automobile. It takes something more than wheels to make a wagon. It takes something more than sonorous phrases to make a statesman. And it requires a number of other essential units besides battleships to make an efficient fighting navy. A navy without scout ships and aeroplanes would be a navy without eyes. A navy without colliers and other naval auxiliaries of various sorts would be a navy without supplies. A navy without submarines and adequate means of defense against submarines in time of war would be a joke, short and to the point. In other words, if we are to have a real navy to defend our coasts and trade routes, we must have a navy that is complete, that is equipped with every feature that will add to its fighting efficiency. Without auxiliaries, a navy in the presence of an enemy at sea would soon become a hopeless and helpless aggregation of floating batteries.

During the Spanish War we squandered millions of dollars purchasing nondescript bottoms, in a hasty and hysterical effort to supply our deficiency in the way of an auxiliary merchant marine. We paid, as a rule, much more than these vessels were worth, and after the war sold them for whatever we could get. But not only did we thus squander immense sums of the people's money in this foolish and futile operation, but the efficiency of this scratch collection of vessels was so low that had our contest been with a first-class naval power, instead of with a nation even less powerful on the sea than ourselves, the weakness of our auxiliaries might easily have resulted in disaster and defeat for us. It would be not only incredibly costly but criminal and perhaps suicidal for us to attempt to face the future as we have faced the past, without a highly efficient auxiliary merchant marine for our Navy.

#### AN OBJECT LESSON.

The Federal shipbuilding plan of the shipping bill will be in the nature of a demonstration of the financial feasibility of building and operating American merchant ships at a profit. This plan of making "demonstrations" for the benefit of the business world is not a new one to the Agricultural Department. We are daily demonstrating the principals of the new agriculture in every State of the Union, and in a number of counties in each State. In fact, the Agricultural Department is spending millions of dollars every year carrying on practical demonstrations of scientific methods which the farmers and business men of the country seem unwilling to adopt until they have had ocular demonstrations that the new methods are profitable.

When once the Federal Government had demonstrated to the shipping corporations that ships can be built in American shipyards, operated under American charters and the American flag, by American crews, at a profit, these shipping corporations will not be slow to expand our merchant marine to meet the demands of American industry and commerce. But a demonstration of this nature is absolutely necessary at present, as American shipping corporations have taken the position that such a thing can not be done. Nothing is clearer than that they will not attempt to create an American merchant marine until the Federal Government demonstrates to them that even without subsidies it can be done profitably.

#### A NEW ERA DAWNING.

The change from sail to steam and from wood to iron construction shifted the supremacy in merchantmen from America to England, because England had facilities for building iron steamships cheaply and fueling them with cheaper coal than ours. We are now on the verge of another change—that from the coal-burning steamer to the oil-burning vessel with the Diesel type of engine. If America seizes her opportunity, the shoe will be shifted to the other foot, for America produces over 60 per cent of the world's crude oil. The Diesel engine makes more effective use of fuel than does the steam engine, occupies much smaller space, and requires a much smaller crew. Furthermore, the fuel is carried in the double bottom of the ship, a space only used for water ballast in coal-burning ships, and does not take up any cargo room.

This engine has not been perfected yet for the largest vessels, but is thoroughly practical for the type of merchantman most needed by us now. It has been estimated that though our crews should be largely composed of American citizens and paid the American scale of wages, enough could be saved on the cost of fuel and the economy of space in this new type of vessel to much more than offset the extra cost of American labor and food up to the American standard.

To sum up the whole question, then, is it not clear that an auxiliary merchant marine would be of inestimable value to the farmers of the country not only because of the wider market it would open to them and the higher prices it would enable them to get for the products, but also because it would help provide them, in common with all other citizens, with protection from possible foreign aggression?

As such a merchant marine can not conceivably be obtained by any ship-subsidy plan, unless a complete and wholly undesirable revolution takes place in the sentiment of the people of the United States, if this primary necessity of our national life is to be provided for in the near future, evidently it must be in accordance with the plan worked out in the administration's shipping bill. In a national crisis of this character partisan considerations should and must be laid aside, and the farmers and business men of the country should rise up as one man to give their unequivocal and energetic support to the President in his efforts to secure for the country this incomparable piece of constructive legislation.



Mr. Chairman, I would like to have the gentleman from Massachusetts [Mr. GREENE] occupy the balance of his time.

Mr. GREENE of Massachusetts. I have two speeches instead of one. Do I understand that there is but one speech to be delivered on that side?

Mr. ALEXANDER. I have but one more speech on this side.

Mr. GREENE of Massachusetts. I yield, Mr. Chairman, to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, gentlemen on that side of the House have had a great deal to say about subsidies. There has been a subsidy law on our statute books for a great many years, and it is there now, and no man on that side has ever had the courage to offer to repeal it. Every ship flying the American flag to-day in the over-seas trade, engaged as a general carrier, is running under that law.

My distinguished friend from Missouri [Mr. ALEXANDER] made the statement just a little while ago that "we ought to do something." Well, it must be admitted that the Democratic Party has "done something" since it has been in power to American shipping. The first thing the Democratic Party did was to pass a free-ship bill. They said that was the remedy. Yet not a single vessel came under the American flag in consequence of that act.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a moment at that point?

Mr. HUMPHREY of Washington. No; I will not yield.

Mr. ALEXANDER. That was passed under a Republican administration.

Mr. HUMPHREY of Washington. No. The gentleman himself said there was not time to discuss this bill. It was a Democratic House, and it was brought in here by a Democratic committee and was urged by Democrats.

Then they said that we must have a discriminating duty downward in the tariff law, and, with all due respect to the gentlemen who advocated that, I must say it was the most absurd and foolish proposition that was ever seriously advocated in this House. [Applause on the Republican side.] We passed that. You got the alleged remedy then that you wanted, and the only result is to entangle the United States Government in a lawsuit involving something like \$20,000,000.

Then the next thing you did was to repeal the Panama Canal act, exempting coastwise American shipping from payment of tolls—the only act which was written on our statutes in 50 years that really was in the interest of the American merchant marine.

Then you were not satisfied with that, but you passed the seamen's bill. Now, my good friend from Missouri [Mr. ALEXANDER] says this morning that under that bill you can still use Chinese crews. In Heaven's name, if that is so, what did you accomplish by your seamen's law. You did not even get rid of the Chinese crews, and yet by the seamen's law you drove every ship on the Pacific flying the American flag out of business, every one of them. Yes; the Democratic Party has done something—not for, but to, American shipping.

You refer now to those successive failures and then tell us what you are going to do. You point with pride to these failures to demonstrate the fact that because you have always heretofore been wrong you must now be right. [Laughter on the Republican side.] It is not any wonder that you are now proposing to try Government ownership. It is not any wonder that you have been driven to that socialistic scheme. It is the only thing that you have not heretofore tried. [Laughter on the Republican side.]

Everybody knows that that is the direction you would have to take. You have tried everything else except subsidy and subvention. You have gone on record as being against everything else, and you have been driven to this proposition. It is a peculiar sort of mentality that can see a subsidy in paying American ships to carry the mail and can not see a subsidy in going direct into the Treasury and paying out \$50,000,000 to embark on a wild, socialistic, untried scheme. [Applause on the Republican side.]

To-day we are doing a greater foreign trade than ever before in our history. We are sending more of our products across the sea than at any other period in our history. It costs more to-day to build an American ship or any other ship than ever before. It costs more to purchase an American ship or to purchase any other ship than ever before. There is not a man on either side of this aisle who can tell this House where a ship can be bought. There is not a man upon either side of this aisle who can tell you where you can construct a ship.

Mr. MADDEN. They have got some Hamburg-American Line ships tied up in New York.

Mr. HUMPHREY of Washington. There never was a time in the history of this Nation when it was so inopportune as now to pass legislation of this character. During all the years when we could purchase ships at low prices, when our shipyards were idle, we did nothing; but now, when private enterprise has promptly responded, when we are building to-day 386 ships in our yards, at this most inopportune time we propose to embark upon the socialistic scheme of Government ownership. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, you can not successfully mix Government ownership and private ownership in competition, and you can not successfully mix Government operation and private operation in competition. You may provide that the Government shall do parts of its own work, either in the way of operation or in the way of manufacture, in order to protect itself from exorbitant charges by private parties, but I think there has never been a case where there was a successful effort made to have the Government own or operate any institution in competition with private parties that did not result either in a grave loss to the Government or in putting the resources of the Government on the one side and driving out the private competition.

The two things can not be worked together. You can take your choice. You can have the Government operate all of the railroads, but you could not have the Government operate one of the railroads between New York and Chicago and let the others continue in private ownership and leave the other roads solvent. Either you would operate the Government road at a great loss or else you would drive the other roads into insolvency or Government ownership. You can not mix those two things. Nobody has ever been able to do it. This bill undertakes to mix them. It undertakes to have the Government operate a portion of the shipping in competition with the balance of the shipping in private ownership. Of course, you can make the effort. It will not work. Under this proposition the Government may invest \$50,000,000. It is not required to invest that sum. You will not invest \$50,000,000 if private parties will put in the money. But in any event the Government is responsible for the operation of any ships which are leased, chartered, owned, or controlled by the corporations in which the Government has the majority of the stock. Are these ships, if we obtain them, to operate on the same scale of charges as the private ships? If they charge the same amount for the carriage of freight, who gets any advantage out of it? If they charge a lower rate for carrying freight, that will drive the private individual out of business. You can not make the two work together.

Now, it seems to me that this bill is not needed, because, in the first place, I can not see where a single ship will be added to commerce. It proposes to authorize the shipping board to buy ships. That will not add any ships to commerce. There are no idle ships that the Government can buy. It proposes to authorize the construction of ships; but the yards are now filled with all the orders that they can comply with during the next few years, and there will be a constant demand on the private parties for shipbuilding, if we do not scare them out by the passage of a bill like this. This bill will not add a single ship by the construction of a new ship, unless we frighten private individuals who are willing to put private capital into shipbuilding. If it does not add any ships to commerce, in what way is it any advantage? If it does not add a single ton to the tonnage capacity on the seas, how does it help? It will not carry any more commerce. You can not carry more commerce unless you have more shipping. You can buy ships, but that does not add a single ton. You can construct ships by preventing the shipyards building for private capital, but that does not add a single ton.

In what is the advantage of the bill? Not a thing. If the shipyards were empty and we had an immense foreign commerce seeking a chance to go across the seas and there was no tonnage with which to carry it, we might be justified in having the Government construct the ships, in order that there should be carrying capacity; but no one has the idle dream that this will add any more tonnage than would be added if the bill did not pass. The danger is that with the threat of Government ownership and Government operation private capital, which knows that it can not compete with public ownership, will cease to order the ships. The Government, with its great wealth, may operate ships at a loss and keep on doing it, but men with private capital can not afford to keep on operating ships at a loss and will hesitate to engage in shipbuilding as against Government ownership and operation, because they know that the Government can not be broken and made insol-



vent, while their corporations may be broken and made insolvent. With a very small amount of shipping, we might put the whole private shipping business to the bad. All of the capital we propose in this bill will not equal the capitalization of one private company in the United States. Yet we propose to say to private capital, "Do not venture here; this is preempted by the Government." The bill will do no good in that direction.

What are the dangers of the bill? Ships are at high value to-day. Freight rates are high. Shipping for the moment has come into its own. Ships which a few years ago could make little or no profit are to-day receiving high profits. To buy them means to pay a high charge for them. Who will buy these ships without scandal and graft? Everybody who has a ship will always be willing to sell to anyone else if he can get a high enough price for it. If we pay ten times or five times the value of ships, as we would have to pay, what a rare chance to put off onto the Government, through private influence, ships of little value and have the Government pay for them. [Applause on the Republican side.] I do not believe it is possible for the Government of the United States to purchase \$50,000,000 worth of ships at this time, or perhaps at any other time, without scandal and graft being involved, and I believe if this bill passes more than one public official will pass out of public life heaped with scorn. [Applause on the Republican side.]

Mr. ALEXANDER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. ALEXANDER. I yield the balance of my time to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, crimination and recrimination about what has happened or has not happened in the past are very unprofitable; they do not get us anywhere. I suppose in a certain sense we are all sinners. I wish sometimes I never again could hear the word "Republican" or "Democrat" mentioned on a bill in this House which is purely a business matter. If there ever was any proposition introduced here that was simply and purely business, good, bad or indifferent, whatever it may turn out to be, this is one of them. All patriotic and wise American citizens, without regard to political or religious affiliations, want to see an American merchant marine. [Applause.] That is absolutely certain. A man that is opposed to rehabilitating the American merchant marine ought to be turned over to a board of alienists to see what is the matter with his head. [Laughter.]

We need an American merchant marine in our business. We need it as a matter of national pride and honor, that when we go abroad or sail on the high seas we shall not be compelled to sail under a foreign flag.

Of course you all know as well as I do that the deck of a ship is a part of the territory of the country under whose flag it flies. Upon the high seas the laws of the country which owns the ship apply to whatever crimes may be committed on board, and I will confess that even in time of profound peace I had rather sail the seas under the American flag than under a foreign flag. [Applause.] I would feel more at home. We need American ships not only for passenger and freight purposes, but they would be very handy things to have in case we should ever be involved in a foreign war—which God forbid!

There are only three ways to secure a merchant marine. One is by private enterprise. We have waited on that for 50 years. It has not rehabilitated the merchant marine. We are in a little better fix than we were a few years ago, but not much. We have no assurance under heaven that they ever will do it. Unless we completely revolutionize our shipping laws to suit their taste, they never will do it.

The second way is by means of a ship subsidy. The subsidy question has never been exactly a political question in this House—never entirely, but almost so. There were more Republicans voted for subsidy than there were Democrats, but there was always a certain percentage of Republicans that could not be lined up in favor of it. There was always a certain percentage of Democrats that we could not line up against it. If either party had been solid on this proposition, they would have had a ship subsidy long ago. I am not talking about the little subsidy that the gentleman from Washington [Mr. HUMPHREY] spoke about, for that does not amount to anything.

I am opposed to a subsidy and have always been opposed to one—that is, to hiring men to do that which they should do without being hired. No power on earth would force me to vote for a ship-subsidy bill. [Applause.] It has been up ever since I have been here, and how much longer I do not know. I suppose that a ship-subsidy bill in some shape, form, or fashion has passed one House or the other at least a half a

dozen times, but they never could get both Houses to vote for it at once.

Mr. MADDEN. Will the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. MADDEN. If the purchase and operation of these ships should create a loss to the Government of the United States and the Treasury had to be called upon to make up the deficit, would the gentleman consider that a subsidy?

Mr. CLARK of Missouri. No; I would not. I would consider it an ordinary transaction of a man paying his honest debts. [Laughter and applause.]

I will give you a little history. Most of the Members here are comparatively new Members, or at any rate you were not here when we had those rip-roaring fights about ship subsidy. In the Sixtieth Congress we beat the subsidy bill in the House one day on roll call by three votes just before Congress was going to die. But we were finally defeated that day under the most aggravating circumstances imaginable. We beat them three votes and several of our Members had bought their tickets and berths in the sleepers to go home, and after we had taken the vote and beaten them three votes there were four of our men who concluded that the whole thing was over and left the House. We telegraphed and telephoned to them and sent runners after them, but never could find them or stop them. One Republican, Mr. Littauer, from New York, changed his vote and voted against the subsidy bill so that he could move to reconsider. He did move to reconsider, and on the motion to reconsider they beat us one vote. When the roll was again called on the passage of the bill another of our men had jumped the bounty and they beat us two votes. [Laughter.]

In the next Congress—the Sixty-first—I fought that bill tooth and nail and helped Judge Moon, who was running it, what I could. Judge Moon was the leader in that fight. I ran two ex-Congressmen off the floor of the House that day. They were in here lobbying, which was against the rules; they would come over there and pick off a Democrat. [Laughter.] Somebody would come and tell me, and I would go and get him back, and finally I sent word that if they did not get out of the Hall I would have them thrown out. When the roll was called they had beaten us by three votes. If I could get two Democrats to come over I had them. I want to two who voted for the subsidy and begged them as a political matter—I was willing to play politics then, as well as anybody else—and I induced two to change their votes, and we beat them. Now, when they beat us by one vote, I wrote a letter to Mr. Carmack, of Tennessee, who had been in the Senate six years, and told him that if he would talk that bill to death he would make more reputation in two days than he had in all of the time he had been there—5 years and 63 days. Senator JOHN SHARP WILLIAMS went over to see him. I did not know he was going, and he did not know I wrote a letter, but we wanted the same thing, somebody to talk it to death; and Carmack started in on a discussion of philology, and he took the Unabridged Dictionary as his illustrations and talked the thing to death.

I will tell the reasons which influenced me in being for this bill, and it may do some of you some good. I want to see a merchant marine. So do we all. When this bill was first introduced in the last Congress I was against it. I kept studying about it. There are only three ways to get a merchant marine, as I stated a while ago, and repeat now: Through private enterprise, which has failed; a subsidy, which Congress will not agree to; or this bill, or something like it, and I made up my mind that rather than have no merchant marine at all I would support a bill that I had some doubt about as to the theory on which it was built. Here is the situation in a nutshell: We all know it. There is no use to beat about the bush. We spend \$300,000,000 a year for ocean freight, all paid to foreigners nearly—to foreign ship companies. I am in favor of paying that money to American ships under the American flag, giving employment to Americans on the high seas and American shipbuilders on shore. [Applause.] The way we have been proceeding about ocean transportation for half a century is sheer idiocy.

The history of the American marine is a story of mingled glory and shame—glory in the earlier years of the Republic; shame in these latter days. Before the Civil War we had the largest merchant marine in the world and it was gradually increasing. Our merchantmen rode every sea; our flag floated in every harbor in the world. Then came the building of iron and steel ships, and the British got at that before we did, and our merchant marine was slowly declining before the Civil War, and then the war came on and the privateers drove our flag from the seas to a large degree. There is no use telling you other reasons for its disappearance which might stir up

unpleasant political recollections; but anyhow we lost or abdicated our right to the rich domain of the seas—to the "seven seas" that they write about. A few years ago of all the vessels which went through the Suez Canal not one bore the Stars and Stripes at its masthead except men-of-war. Once upon a time there was a great famine in India. Men, women, and children were dying by the tens of thousands. Congress, reflecting and representing the generous hearts who sent us here, voted a million dollars to buy American foodstuffs to send to those starving and dying people, in a distant land and under strange stars. That was a magnificent donation. Having made it, we discovered to our ineffable disgust and shame that we could find no American ship to send our foodstuffs in and were compelled to hire a British ship in which to send our foodstuffs to the suffering subjects of Great Britain—which brought a touch of deep humiliation to every American citizen worth his salt. Query: Do we propose to go on in that foolish way forever? If not, vote for this bill as a dernier ressort—as the only way to change our course in this regard for the better.

There is a great deal of talk in this House and in the newspapers and everywhere else about securing the oriental trade. Of course, I am as much in favor of securing the oriental trade as anybody on the face of the earth, but the oriental trade is not a drop in the bucket and never will be to what the Central and South American trade ought to be, and we ought to have the big end of it instead of having a very small fraction of it. The way to secure that immense trade is to build our own ships and to operate them, thereby cultivating close friendly relations with the countries in this hemisphere. They are our neighbors and we should trade more with them. A merchant marine owned by the Government would be a regulator of ocean-freight rates and prevent extortion. For these reasons and others which I have not time to mention, I am most heartily in favor of building up and resuscitating our merchant marine, and to that end I am for this bill. [Loud applause.]

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15455 and had come to no resolution thereon.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, by direction of the Committee on Appropriations, I present a bill making appropriation for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes (H. Rept. 721.)

The SPEAKER. The Clerk will report the bill by title. The Clerk read as follows:

A bill (H. R. 15774) making appropriation to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes.

Mr. DAVIS of Minnesota. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Minnesota [Mr. DAVIS] reserves all points of order. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

#### PENSION APPROPRIATION BILL.

Mr. RAUCH. Mr. Speaker, by direction of the Committee on Appropriations I report the pension appropriation bill, making appropriations for invalid and other pensions for the fiscal year ending June 30, 1917. (H. Rept. 722.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

#### INCREASE OF CERTAIN WORK, BUREAU OF ENGRAVING AND PRINTING.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report a joint resolution increasing the limit on certain classes of work in the Bureau of Engraving and Printing. (H. Rept. 723.)

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

House joint resolution No. 214, increasing the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed in the Bureau of Engraving and Printing during the fiscal year 1916.

Mr. MANN. Mr. Speaker, I shall not make any point of order against it, but that bill ought to be reported through the basket.

Mr. FITZGERALD. I thank the gentleman.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

#### UNITED STATES SHIPPING BOARD.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House of the state of the Union for the further consideration of the bill H. R. 15455.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15455.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill, which is very obviously divided into paragraphs, to be considered by paragraphs or sections?

The CHAIRMAN. By sections.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The CHAIRMAN. All general debate having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc., That when used in this act—*

The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, including the import and export trade.

The term "common carrier by water in interstate commerce" means a common carrier engaged in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

The term "common carrier by water" means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce.

The term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

The term "person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

Mr. BENNET. Mr. Chairman, I offer the following substitute for section 1, with the notice required by the precedents that if substitute for section 1 is adopted I shall move to strike out each successive section as it is read.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report, and gives notice required under the rules.

The Clerk read as follows:

Amendment by Mr. BENNET: Strike out the first section and substitute the following:

*That when used in this act—*

"The term 'common carrier by water in foreign commerce' means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country, including the import and export trade.

"The term 'common carrier by water in interstate commerce' means a common carrier engaged in the transportation by water of passengers or property between one State, Territory, District, or possession of the United States and any other State, Territory, District, or possession of the United States, or between places in the same Territory, District, or possession.

"The term 'common carrier by water' means a common carrier by water in foreign commerce or a common carrier by water in interstate commerce.

"The term 'other person subject to this act' means any person not included in the term 'common carrier by water,' carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

"The term 'person' includes corporations, partnerships, and associations existing under or authorized by the laws of the United States,



or any State, Territory, District, or possession thereof, or of any foreign country.

"Sec. 2. That within the meaning of this act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

"The provisions of this act shall apply to receivers and trustees of all persons to whom the act applies.

"Sec. 3. That a board is hereby created, to be known as the United States shipping board, and hereinafter referred to as the board. The board shall be composed of five commissioners, to be appointed by the President, by and with the advice and consent of the Senate, one of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

"The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

"The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act and to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party. No commissioner shall be in the employ of or hold any official relation to any common carrier by water or other person subject to this act, or own any stocks or bonds thereof, or be pecuniarily interested therein. No commissioner shall actively engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

"The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

"Sec. 4. That each member of the board, except the ex officio members, shall receive a salary of \$10,000 per annum. The board shall appoint a secretary, at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military and naval services of the United States for such duties as the board may deem necessary in connection with its business.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be a part of the classified civil service.

"The expenses of the board, including necessary expenses for transportation, incurred by the members of the board or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

"Until otherwise provided by law, the board may rent suitable offices for its use.

"The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

"Sec. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes.

"Sec. 6. That the President may transfer to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Co. and not required in its business.

"Sec. 7. That the board, upon terms and conditions prescribed by it and approved by the President, may charter, lease, or sell to any person a citizen of the United States any vessel so purchased, constructed, or transferred.

"Sec. 8. That when any vessel purchased or constructed by or transferred to the board as herein provided, and owned by the United States, becomes, in the opinion of the board, unfit for the purposes of this act, it shall be appraised and sold at public or private sale free from the conditions and restrictions of this act.

"Sec. 9. That any vessel purchased, chartered, or leased from the board may be registered or enrolled and licensed as a vessel of the United States and entitled to the benefits and privileges appertaining thereto: *Provided*, That foreign-built vessels heretofore or hereafter admitted to American registry or enrollment and license under the act of August 18, 1914, or under this act, and vessels owned, chartered, or leased by any corporation in which the United States is a stockholder (except the Panama Railroad Co.), may not engage in the coastwise trade of the United States, except that such vessels may engage in trade with Alaska, Hawaii, or Porto Rico, whether or not en route to or from a foreign port, if the board finds such trade is not being adequately served by a regular line or lines of vessels.

"Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. No such vessel, without the approval of the board, shall be transferred to a foreign registry or flag, or sold; nor, except under regulations prescribed by the board, be chartered or leased.

"When the United States is at war, or during any national emergency the existence of which is declared by proclamation of the President, no vessel registered or enrolled and licensed under the laws of the United States shall, without the approval of the board, be sold, leased, or chartered to any person not a citizen of the United States or transferred to a foreign registry or flag.

"Any vessel sold, chartered, leased, transferred, or operated in violation of this section shall be forfeited to the United States, and whoever violates any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$5,000 or to imprisonment of not more than five years, or both such fine and imprisonment.

"Sec. 10. That the President, upon giving to the person interested such reasonable notice in writing as in his judgment the circumstances permit, may take possession, absolutely or temporarily, for any naval or military purpose, of any vessel purchased, leased, or chartered from the board: *Provided*, That if, in the judgment of the President, an emergency exists requiring such action he may take possession of any such vessel without notice.

"Thereafter, upon ascertainment by agreement or otherwise, the United States shall pay the person interested the fair actual value at the time of taking of the interest of such person in every vessel taken absolutely, or if taken for a limited period, the fair charter value for such period. In case of disagreement as to the fair value it shall be determined by appraisers, one to be appointed by the board, one by the person interested, and a third by the two so appointed. The finding of a majority of such appraisers shall be final and binding upon both parties.

"Sec. 12. That any vessel purchased, leased, or chartered from the board may be listed by the Secretary of the Navy as a vessel of the United States Naval Auxiliary Reserve. The officers and members of the crew of any such listed vessel who volunteer for the purpose and are citizens of the United States or its insular possessions may, under regulations prescribed by the Secretary of the Navy, be enrolled in various ranks and ratings corresponding to those of the United States Navy, not above the rank of lieutenant commander, as members of any naval reserve force established by law.

"Sec. 13. That the board shall investigate the relative cost of building merchant vessels in the United States and in foreign maritime countries, and the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry. It shall examine the navigation laws of the United States and the rules and regulations thereunder, and make such recommendations to the Congress as it deems proper for the amendment, improvement, and revision of such laws, and for the development of the American merchant marine. It shall investigate the legal status of mortgage loans on vessel property, with a view to means of improving the security of such loans and of encouraging investment in American shipping.

"It shall on or before the 1st day of December in each year make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, and a statement of all expenditures and receipts under this act, and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the board.

"Sec. 14. That for the purpose of carrying out the provisions of sections 5 and 11 the Secretary of the Treasury, upon the request of the board, approved by the President, shall from time to time issue and sell or use any of the bonds of the United States now available in the Treasury under the acts of August 5, 1909, February 4, 1910, and March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed \$50,000,000: *Provided*, That any bonds issued and sold or used under the provisions of this section may be made payable at such time within 50 years after issue as the Secretary of the Treasury may fix, instead of 50 years after the date of issue, as prescribed in the act of August 5, 1909.

"The proceeds of such bonds and the net proceeds of all sales, charters, and leases of vessels and of sales of stock made by the board, and all other moneys received by it from any source, shall be covered into the Treasury to the credit of the board, and are hereby permanently appropriated for the purpose of carrying out the provisions of sections 5 and 11.

"Sec. 15. That no common carrier by water shall directly or indirectly—

"First. Pay, or allow, or enter into any combination, agreement, or understanding, express or implied, to pay or allow, a deferred rebate to any shipper. The term 'deferred rebate' in this act means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the period for which computed and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

"Second. Use a fighting ship either separately or in conjunction with any other carrier, through agreement or otherwise. The term 'fighting ship' in this act means a vessel used in a particular trade by a carrier or group of carriers for the purpose of excluding, preventing, or reducing competition by driving another carrier out of said trade.

"Third. Retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronized any other carrier or has filed a complaint charging unfair treatment, or for any other reason.

"Fourth. Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of (a) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage; (b) the loading and landing of freight in proper condition; or (c) the adjustment and settlement of claims.

"Any carrier who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$25,000 for each offense.

"Sec. 16. That every common carrier by water, or other persons subject to this act, shall file immediately with the board a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement. The term 'agreement' in this section includes understandings, conferences, and other arrangements.



"The board may by order disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this act, and shall approve all other agreements, modifications, or cancellations.

"Agreements existing at the time of the organization of the board shall be lawful until disapproved by the board. It shall be unlawful to carry out any agreement or any portion thereof disapproved by the board.

"All agreements, modifications, or cancellations made after the organization of the board shall be lawful only when and as long as approved by the board; and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

"Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and amendments and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act approved August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' and amendments and acts supplementary thereto.

"Whoever violates any provision of this section shall be liable to a penalty of \$1,000 for each day such violation continues, to be recovered by the United States in a civil action.

"Sec. 17. That it shall be unlawful for any common carrier by water, or other person subject to this act, either alone or in conjunction with any other person, directly or indirectly—

"First. To make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

"Second. To allow any person to obtain transportation for property at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means.

"Third. To induce, persuade, or otherwise influence any marine insurance company or underwriter, or agent thereof, not to give a competing carrier by water as favorable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier or other person subject to this act.

"Sec. 18. That no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or ports, or unjustly prejudicial to exporters of the United States, as compared with their foreign competitors. Whenever the board finds that any such rate, fare, or charge is demanded, charged, or collected, it may alter the same to the extent necessary to correct such unjust discrimination or prejudice and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory or prejudicial rate, fare, or charge.

"Every such carrier and every other person subject to this act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the board finds that any such regulation or practice is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

"Sec. 19. That every common carrier by water in interstate commerce shall establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto, and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

"Every such carrier shall file with the board and keep open to public inspection, in the form and manner and within the time prescribed by the board, the maximum rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, the maximum rates, fares, and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water.

"No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the board and after 10 days' public notice in the form and manner prescribed by the board, stating the increase proposed to be made; but the board, for good cause shown, may waive such notice.

"Whenever the board finds that any rate, fare, charge, classification, tariff, regulation, or practice, demanded, charged, collected, or observed by such carrier is unjust or unreasonable, it may determine, prescribe, and order enforced a just and reasonable maximum rate, fare, or charge, or a just and reasonable classification, tariff, regulation, or practice.

"Sec. 20. That whenever a common carrier by water in interstate commerce reduces its rates on the carriage of any species of freight to or from competitive points below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall not increase such rates unless, after hearing, the board finds that such proposed increase rests upon changed conditions other than the elimination of said competition.

"Sec. 21. That it shall be unlawful for any common carrier by water or other person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee of such carrier or person, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such common carrier or other person subject to this act for transportation in interstate or foreign commerce, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor, or which may be used to the detriment or prejudice of any carrier; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

"Nothing in this act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court of a State or of the United States, or to any officer or agent of the Government of the United States, or of any State, Territory, District, or possession thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crime, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

"Sec. 22. That the board may require any common carrier by water, or other person subject to this act, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such carrier or other person subject to this act. Such report, account, record, rate, charge, or memorandum shall be under oath whenever the board so requires, and shall be furnished in the form and within the time prescribed by the board. Whoever fails to file any report, account, record, rate, charge, or memorandum as required by this section shall forfeit to the United States the sum of \$100 for each day of such default.

"Whoever willfully falsifies, destroys, mutilates, or alters any such report, account, record, rate, charge, or memorandum, or willfully files a false report, account, record, rate, charge, or memorandum, shall be guilty of a misdemeanor and subject, upon conviction, to a fine of not more than \$1,000 or imprisonment for not more than one year, or to both such fine and imprisonment.

"Sec. 23. That any person may file with the board a sworn complaint setting forth any violation of this act by a common carrier by water, or other person subject to this act, and asking reparation for the injury, if any, caused thereby. The board shall furnish a copy of the complaint to such carrier or other person, who shall, within a reasonable time specified by the board, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the board shall, except as otherwise provided in this act, investigate it in such manner and by such means and make such order as it deems proper. The board, if the complaint is filed within two years after the cause of action accrued, may direct the payment, on or before a day named, of full reparation to the complainant for the injury caused by such violation.

"The board, upon its own motion, may in like manner and, except as to orders for the payment of money, with the same powers investigate any violation of this act.

"Sec. 24. Orders of the board relating to any violation of this act shall be made only after full hearing and upon a sworn complaint, or in proceedings instituted of its own motion.

"All orders of the board other than for the payment of money made under this act shall continue in force for such time, not exceeding two years, as shall be prescribed therein by the board, unless suspended, modified, or set aside by the board or any court of competent jurisdiction.

"Sec. 25. That the board shall enter of record a written report of every investigation made under this act in which a hearing has been held, stating its conclusions, decision, and order, and, if reparation is awarded, the findings of fact on which the award is made, and shall furnish a copy of such report to all parties to the investigation.

"The board may publish such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be competent evidence of such reports in all courts of the United States and of the States, Territories, Districts, and possessions thereof.

"Sec. 26. That the board may reverse, suspend, or modify, upon such notice and in such manner as it deems proper, any order made by it. Upon application of any party to a decision or order, it may grant a rehearing of the same or any matter determined therein, but no such application for or allowance of a rehearing shall, except by special order of the board, operate as a stay of such order.

"Sec. 27. That for the purpose of investigating alleged violations of this act, the board may, by subpoena, compel the attendance of witnesses and the production of books, papers, documents, and other evidence from any place in the United States at any designated place of hearing. Subpoenas may be signed by any commissioner, and oaths or affirmations may be administered, witnesses examined, and evidence received by any commissioner or examiner, or under the direction of the board, by any person authorized under the laws of the United States or of any State, Territory, District, or possession thereof to administer oaths. Persons so acting under the direction of the board and witnesses shall, unless employees of the board, be entitled to the same fees and mileage as in the courts of the United States. Obedience to any such subpoena shall, on application by the board, be enforced as are orders of the board other than for the payment of money.

"Sec. 28. That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpoena of the board or of any court in any proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Sec. 29. That in case of violation of any order of the board, other than an order for the payment of money, the board, or any party injured by such violation, or the Attorney General, may apply to a district court having jurisdiction of the parties; and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce obedience thereto by a writ of injunction or other proper process, mandatory or otherwise.

"Sec. 30. That in case of violation of any order of the board for the payment of money the person to whom such award was made may file in the district court for the district in which such person resides, or in which is located any office of the carrier or other person to whom the order was directed, or in which is located any point of call on a regular route operated by the carrier, or in any court of general jurisdiction of a State, Territory, District, or possession of the United States having jurisdiction of the parties, a petition or suit setting forth briefly the causes for which he claims damages and the order of the board in the premises.

"In the district court the findings and order of the board shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor shall he be liable for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If a peti-



tioner in a district court finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as part of the costs of the suit.

"All parties in whose favor the board has made an award of reparation by a single order may be joined as plaintiffs, and all other parties to such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against any such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

"No petition or suit for the enforcement of an order for the payment of money shall be maintained in a district or State court unless filed within one year from the date of the order.

"Sec. 31. That the venue and procedure in the courts of the United States in suits brought to enforce, suspend, or set aside, in whole or in part, any order of the board shall, except as herein otherwise provided, be the same as in similar suits in regard to orders of the Interstate Commerce Commission, but such suits may also be maintained in any district court having jurisdiction of the parties.

"Sec. 32. That whoever violates any provision of this act, except where a different penalty is provided, shall be guilty of a misdemeanor, punishable by fine of not to exceed \$5,000.

"Sec. 33. That this act shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this act be construed to apply to intrastate commerce.

"Sec. 34. That if any provision of this act, or the application of such provision to certain circumstances, is held unconstitutional, the remainder of the act, and the application of such provision to circumstances other than those as to which it is held unconstitutional, shall not be affected thereby.

"Sec. 35. That for the fiscal year ending June 30, 1917, the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of defraying the expenses of the establishment and maintenance of the board, including the payment of salaries herein authorized."

During the reading of the substitute the following occurred:

Mr. GILLET. Mr. Chairman—

Mr. BENNET. Mr. Chairman, the reading of the amendment is not concluded. The Clerk has not read 27 pages in two minutes.

Mr. ALEXANDER. As I understand, the Clerk so far is reading H. R. 15455, the bill that is under consideration. Is that correct?

Mr. BENNET. The situation is the same.

The CHAIRMAN. The gentleman from New York offered an amendment to strike out the first section of H. R. 15455, and insert in lieu thereof the bill which he sent to the Clerk's desk, and gave notice that if the amendment should be adopted he would then move to strike out each section of H. R. 15455 as it should be reached and read.

Mr. ALEXANDER. Is he offering the first section of that bill?

The CHAIRMAN. The Chair did not follow the reading of the amendment closely enough to know whether it is the first section of H. R. 15455 or not.

Mr. MANN. It would not make any difference.

The CHAIRMAN. Not parliamentarily. The parliamentary situation would not be changed even if it were.

Mr. ALEXANDER. As I caught the reading, it is the exact language of the first section of H. R. 15455.

Mr. MANN. That would not make any difference.

The CHAIRMAN. That would not change the parliamentary situation. The Clerk will read.

The Clerk proceeded with the reading of the substitute.

During the reading,

Mr. OGLESBY. Mr. Chairman, I reserve a point of order that the amendment outside of that already read is not germane to the paragraph to which it is offered as an amendment.

Mr. BENNET. The precedent is from Hinds' Precedents, volume 5, page 5796.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk concluded the reading of the substitute.

Mr. BENNET. Mr. Chairman, this amendment strikes out of the bill those words which add two Members of the Cabinet to the shipping board. It strikes out of the bill section 11—the section which provides for Government operation—and it strikes out of section 5 the words which permit this shipping board to go abroad and either build American ships with American money in foreign shipyards or buy them abroad. Otherwise it is the bill of the committee without change. There are matters remaining in the bill which do not have my personal sympathy, and which I think are even bad; but I wanted to keep Karl Marx and Socialism on the one side and American leadership and Americanism on the other. [Applause on the Republican side.] That is what this amendment does. To vote against my amendment is to vote to support the theories of those gentlemen who have the constitutional right, which they exercised, to send my colleague, Mr. LONDON, to the floor of this House. A vote for this amendment is to vote to support those principles of American

government based upon the recognition of the individual that every Democrat and every Republican has professed during his entire political life. We have always been against Government operation. This gives us a chance to say whether our opposition to Government operation was sincere or whether, as the Socialist in every congressional district and every city charges, we are insincere in that, as they charge we are insincere in everything else.

Mr. OGLESBY. Will my colleague yield?

Mr. BENNET. Yes.

Mr. OGLESBY. I want to say to the gentleman that I am opposed to Government operation, and I would like to ask him this question: If you absolutely prohibit the Government from operating these vessels after we build them, are you not placing the shipping board of the Government in the position of possibly acquiring vessels for which they could have no use whatever? Should they not have this avenue of escape from a combination of shipping interests, for instance, who might not be willing to lease those vessels and operate them on fair terms?

Mr. BENNET. Mr. Chairman, if my colleague will read sections 7, 8, 9, 10, and, I think, 12, which have to do with the powers of this shipping board, I do not think that he would seriously press that argument. And if there was anything in his argument, just see where it leads him to—that there is so little demand for ships that we have to have the Government for a customer in order to justify any bill at all. If there is no demand for ships, why, then, there is no use for this bill. But we do want an American merchant marine and we do want it in private hands—at least, I do—and I have no doubt my colleague also. So long as we retain section 11 in the bill we will not have it in private hands, and so far as we retain those two Secretaries on the commission, which we do not do in the Interstate Commerce Commission, which we do not do in any other commission so far as I recall, we have brought the Government right into the business.

Why? Just stop and think. There are only seven men on that commission. The Government starts in with two Cabinet officers. It only has to have four in order to have a majority. The terms of these men expire, one each year, and during each presidential term, therefore, four will expire, and therefore every President has two of his Cabinet officers to start with, and four men who will come up for reappointment; six out of seven, who are more or less under his control the moment he is inaugurated President of the United States.

I am not going to take any great amount of time—

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman from New York has expired.

Mr. SAUNDERS. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS. What is the question now before the House upon which we shall vote?

The CHAIRMAN. The substitute is the amendment offered by the gentleman from New York [Mr. BENNET] for the pending bill.

Mr. SAUNDERS. An entire substitute?

The CHAIRMAN. Yes; an entire substitute.

Mr. SAUNDERS. Suppose that substitute is defeated. Will it be competent for any Member on this floor, when we reach the details in these sections to which that substitute relates, to offer from time to time amendments?

The CHAIRMAN. The Chair understands that this amendment, being offered in the way of a substitute, can be taken up section by section in the committee and read, subject to amendment.

Mr. SAUNDERS. If we vote down the substitute, I ask would it then be in order for gentlemen on the minority side, who want to present their objections to these different sections as we reach them, to offer amendments directed to those particular sections?

The CHAIRMAN. The Chair thinks that would be true. It would not limit their right to offer amendments to particular sections of the bill, provided this substitute is voted down.

Mr. OGLESBY. Mr. Chairman, I would like to ask unanimous consent that the gentleman from New York [Mr. BENNET], who introduced this amendment, may be allowed to state exactly what his amendment provides.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] asks unanimous consent that his colleague [Mr. BENNET] may be allowed to state what his amendment provides.

Mr. COX. For how long, Mr. Chairman?

Mr. OGLESBY. Say, five minutes.

The CHAIRMAN. For five minutes. Is there objection?

There was no objection.

Mr. OGLESBY. The gentleman did explain it once.

Mr. BENNET. If the gentleman will take the bill which is before the committee, he will notice that on page 3 the substitute leaves out the following language: "The Secretary of the Navy and the Secretary of Commerce, as members ex officio, and," so that the language will read, "The board shall be composed of five commissioners, to be appointed by the President," and so forth.

Then, in section 5, lines 23 and 24, the substitute leaves out this language, "or elsewhere, giving preference, other things being equal, to domestic yards," so that the section will read:

That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards, or to purchase, lease, or charter, vessels suitable—

And so forth.

Mr. OGLESBY. May I interrupt the gentleman with a question?

Mr. BENNET. Yes.

Mr. OGLESBY. The gentleman's amendment does not, then, omit from section 5 the words "or to purchase, lease, or charter vessels"? The gentleman's amendment will permit the Government to take under lease or charter vessels as well as purchase them?

Mr. BENNET. It permits the shipping board to charter, lease, and so forth, vessels which may have been built abroad, but it prohibits them from building abroad in foreign shipyards or purchasing abroad vessels for use as auxiliaries to the Navy.

Then section 11, the section which permits this shipping board to form under the laws of the District of Columbia one or more corporations, is the strictly governmental operation section, and my amendment strikes that out.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Carolina?

Mr. BENNET. Certainly.

Mr. BYRNES of South Carolina. Do you not leave in the bill a provision appropriating \$50,000,000 for the purpose of going into the business of building ships and selling, leasing, and chartering them?

Mr. BENNET. That is section 14. I do not strike it out.

Mr. BYRNES of South Carolina. Do you think you have anything on Mr. London or Carl Marx and his socialism when you propose to put the Government into the business of leasing and chartering vessels to individuals?

Mr. BENNET. I think I am a distinct improvement on those theories, if the gentleman asks me my personal opinion of myself. [Laughter.] I attempt to draw as clearly and cleanly as possible the line between socialism and the old-time traditional views of the Democratic and Republican Parties. If I had my way I would strike out other things in this bill, but I do not see any sign that I will have my way in full, and therefore I want to get my way as far as I can.

Further than that, I am frank to say that I consider this question of socialism versus the old political methods a far graver and more important question even than the passage of this bad bill.

Mr. OGLESBY. The gentleman does not disturb section 9 of the bill.

Mr. BENNET. I have stated everything I do.

Mr. HELM rose.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized.

Mr. ALEXANDER rose.

The CHAIRMAN. Does the gentleman from Missouri desire recognition?

Mr. HELM. If so, I will surrender the floor to the gentleman from Missouri.

Mr. ALEXANDER. No; not at this time.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized for five minutes.

Mr. HELM. Mr. Chairman, there has been criticism of this bill because of an alleged subsidy feature which it contains.

I submit to the membership of this House whether the man who owns his house, his home, as the Government is proposing to own the ships: this bill, subsidizes himself by the ownership of his own home? Do you home owners subsidize yourselves when you buy, own, and operate your own homes? The answer is "No." Is there for like reason any subsidy attached, either directly or indirectly, when the Government owns and operates its own ships?

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. HELM. In just a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. Just for one question.

Mr. HELM. Very well; I yield.

Mr. MADDEN. The man who owns his own home pays his own taxes. When the Government owns these ships other people will pay the taxes to maintain them, and the Government puts itself in competition with the people who pay the taxes.

Mr. HELM. I do not see the application of the argument of the gentleman from Illinois. The man who owns his own home and saves himself rent occupies a situation not unlike the Government that owns its own ships and operates them, certainly the farmer who owns his own horse and buggy or wagon and team, instead of hiring them, does not subsidize himself by such ownership. Where does the subsidy in Government-owned ships attach?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield there?

Mr. HELM. No; I can not answer any more questions. I have only five minutes. Otherwise I would be delighted to yield further.

Ocean freight, like freight by rail, always moves over the line charging the lowest rate of transportation. The Government-owned and rate-controlled ship line, with reasonable rates, as contemplated and provided for in this bill, will inevitably reduce the ocean freight rates charged by the present uncontrolled trust-operated ships.

There are those opposing the bill because they do not think the Government should engage in private business, others on constitutional grounds, and so on. As for me, under the stress of the present extreme emergency and world-wide business upheaval, I am not going to stand on niceties and fine-spun distinctions. When the house is on fire, it is immaterial whether it is water from the branch, well, creek, cistern, or sloop jar that is available—water is what you need. After the fire is out, then there is ample time to consider the source. Our merchandise is languishing at our ports. This is neither the time nor the occasion for an idle waste of time in the discussion of governmental theories. The merchandise must be moved. Private enterprise having failed to meet the exigencies of the occasion, the United States Government must step in and do what is needful.

Seeing the great possibilities of capturing the immense South American trade, and diverting it from across the oceans to our own doors, I introduced a bill having in view the establishment of a clearing-house, credit-extending, banking institution to be situated on the Canal Zone. Other schemes and plans have been proposed to accomplish the same end by different methods with indifferent success. But behind any and all such movements and enterprises is the question of adequate and sufficient transportation between the United States and Central and South America. It has been aptly stated that "the need of this shipping bill is to be found in the fact that all the export trade of the United States is now pouring through a funnel not near large enough to accommodate it."

The Democratic administration has succeeded in repealing many of our antiquated navigation laws that have been continued at the behest of the Shipping Trust, in force during the long Republican control, and that have hampered, in fact, prevented, the development of an American merchant marine.

Until 1912 only American-built vessels were admitted to American registry. Now registration under the American flag is restricted only to vessels owned wholly by American citizens, and the word "citizens" includes corporations organized or chartered under the laws of the United States or any State thereof.

The ship-registry act of August 18, 1914, passed by a Democratic Congress, repealed the act excluding from American registry foreign-built seagoing vessels to such as had not been constructed for a longer period than five years, and further provided that the President could, whenever in his discretion the needs of foreign commerce might require, "suspend by order, so far and for such length of time as he may deem desirable, the provision of law prescribing that all the watch officers of the vessels of the United States registered for foreign trade shall be citizens of the United States," and that the President could, "under like conditions, in like manner, and to like extent," suspend the provisions of law requiring survey, inspection, and so forth.

By Executive order of President Wilson, made on September 4, 1914, it was provided that requirements as to survey, inspection, and so forth, should be suspended for two years, as well as the provisions relating to watch officers without regard to citizenship for a term of seven years, provided that after two years any vacancy should be filled by a citizen of the United States. The act of March 4, 1915, went a step further and repealed the statute imposing tonnage-duties of 50 cents per ton and light money of 50 cents per ton on vessels of the United States, and also repealed that portion of the tariff act imposing



a discriminating duty of 10 per cent ad valorem on goods imported in such vessels. This act was made retroactive and provided for a refund of all tonnage duties, light money, and discriminating duties collected since the passage of the act of August 18, 1914, all of which appears in the special agent series, No. 114, prepared by Mr. Grosvenor M. Jones, commercial agent, Bureau of Foreign and Domestic Commerce.

The acts cited evidence the bona fide efforts put forth by the Democrats to repeal the antiquated navigation laws that the Republicans have for many long years permitted to obstruct and stand in the way of the American merchant marine, and which the passage of the pending bill is designed to foster and promote.

Ocean freight rates have risen to dizzy heights within the last two years. In March, 1914, the rate per bushel on wheat from New York City to Liverpool was 2.5 cents per bushel; in March, 1915, it was 50.7, an increase of over 2,000 per cent. Freight on tobacco in April, 1914, was 31 cents per hundred pounds; in January, 1916, \$3 per hundred pounds. The profits of the English shipowners are far in excess of the enormous profits of the munition manufacturers. If the railroads should resort to such practices either in intrastate or interstate commerce, it would start a revolution. The British shipowners are collecting extortionate tolls off the neutral commerce of the world.

Great Britain could destroy commerce between North and South America as completely and as effectively as she has German over-sea commerce simply by diverting her ships to other trade channels, under her right to requisition them for war purposes, and her keen eye for trade will not overlook the opportunity. What trade of the United States she does not capture by diversion or commandeering of her ships she will obtain by alleged blockades, and in this indirect but certain way it results that the United States stands to bear or pay a large portion of Great Britain's war expense.

The Government must match its resources against the "Mistress of the Seas" and come to the aid of our foreign commerce and the over-sea trade of its citizens. Private enterprise, as already said, has been either unwilling or afraid to meet the situation, and inasmuch as it has not and will not, nothing remains except for the Government to step in during the pending emergency. The purposes of the bill now under consideration are threefold: (1) To provide ships available in time of peace for commercial purposes; (2) naval auxiliaries in time of war; and (3) an entering wedge to split up the Shipping Trust. The Government alone is strong enough to cope with the Shipping Trust, that has a strangle hold on our foreign commerce.

It is useless to regulate the transportation of our commerce from inland ports to the seaboard, and then permit the shipowners to rob the shippers by extortionate ocean freight rates.

There is not a farmer in my district who does not know by experience when he offers his wheat crop for sale that the local miller pays him the current price of wheat in Cincinnati, Louisville, or Chicago less the freight from the farmer's shipping point to those centers. By the same token, the producers of grains and tobacco should be receiving the prices of their products in the foreign market less a reasonable—not an extortionate—freight to the foreign ports. But as intolerable as this situation is, and demanding immediate relief, it is just a little better than no ships at all, which is substantially our condition. Imagine the helpless condition of a coal merchant in a city without motor trucks or teams with which to deliver his coal. He may have his yard piled high with abundance of the best coal obtainable, but he is on the sure road to bankruptcy unless he is equipped with adequate facilities for the delivery of it, comparable to that of his competitor. If he is compelled to depend on his business rival to deliver his orders to his own customers, his days in that business are numbered, and they are few.

An editorial in the Washington Post of Wednesday, May 17, 1916, presents the American viewpoint in very vivid and striking form, and under leave I herewith insert it as a part of my remarks:

#### THE COUNTRY DEMANDS THE AMERICAN MERCHANT MARINE.

The bill for creating an American merchant marine is before the House of Representatives, and the people of the United States expect the Members of the House and of the Senate to do their duty to them and to the Republic by establishing that long-promised marine.

For 32 years of Republican control of Federal power and for 8 quadrennial periods of promises to establish a merchant marine for the Nation those promises were not fulfilled.

For an equally long period of Democratic pledges for a merchant marine and eight years of Democratic control of Federal power all the results the American people had were the unfulfilled promises of the party.

It has been a long period of national subordination upon the high seas, a long period of supremacy in facilities of trade for our commercial rivals, and the Republic of the United States was rendered a debtor nation for half a century largely by this long and grievously felt want of ocean transportation under the Stars and Stripes.

The past two years have so plainly disclosed the absolute necessity of this marine to the great masses of the people of the United States that they are now united as never before, urgent as never before, determined as never before to have that marine established, and they now ask the Congress to provide that marine as a national necessity to the maintenance of the country's prosperity.

They call for it in no partisan spirit, but with a patriotic purpose.

They realize the extent of the losses that agriculturists, miners, manufacturers of the United States have sustained during the past two years would have paid for construction of ten times the vessels that can be provided with the appropriation proposed in the pending measure.

They know, and Members of the House and the Senate know, that the want of a United States merchant marine is costing the people of this country millions of dollars every week at the present time.

The subtle influences which have paralyzed legislation in the past upon this question can not again prevail as against the demands of an aroused public sentiment.

It will not do for Senators and Representatives to face the farmers and the planters this autumn, and while their products are rotting in our ports or congested in the warehouses and railway terminals for lack of vessels to carry them to destined ports abroad it will not do for them to meet these constituents with a record of "no" against the shipping bill.

The miners demand vessels for their outputs, and vessels they can depend upon for steady service at reasonable and fair rates.

The manufacturers and the millions of their operatives will not consent to be thwarted again by open or concealed opposition of vessel owners or financial and shipping agents with foreign connections in their efforts to obtain vessels to carry the outputs of the mills, the shops, the factories of the United States.

There is a wave of Americanism sweeping this country from ocean to ocean that calls for the placing of this country in finance, agriculture, industry, and commerce above and beyond every other nation on the earth, and this can not be accomplished without the creation of an American merchant marine.

For more than 40 years our commercial competitors have had the advantage over this country through their control of ocean transportation.

We impugn the motives of no man in public life; we reflect upon no man who deems it his duty to oppose this measure which we believe so essential to the welfare of the people of the United States; but every vote in opposition to it will receive the hearty approval of the shipping combines of Great Britain, France, and Germany, and of every manufacturer in those countries who will have to compete with our own manufacturers in the markets of the world.

Every vote for the establishment of a merchant marine is a vote for America first.

Every vote for the establishment of a merchant marine is a vote to develop the resources and the commerce of the United States.

Every vote for the establishment of a merchant marine is a vote for making of our ports the centers of a mighty commercial power and influence.

Every vote for the establishment of a merchant marine is a vote for the prosperity of the more than 100,000,000 of people now under the Stars and Stripes.

Every vote for the establishment of the merchant marine, whether that vote is cast by a Republican, a Progressive, or a Democrat, is a vote to redeem party promises made by all parties to the electors of the Union.

Mr. Chairman, I have always considered the London conference a most unfortunate compact from the American point of view. If that compact was correctly construed by Senator Root in his speech in the Senate on January 25, 1915, opposing the passage of a bill similar to this one, in which address, after stating the conspicuous part he had taken as Secretary of State, he said:

The other consideration which makes me feel bound to ask for the attention of the Senate to my own views of what is the true state of the law is the fact that it happened to be my duty to give instructions for the Government of the United States to the delegates to the London conference, and to direct their action during all the earlier part of the existence of that conference by daily cable communication, and afterwards as a member of the Foreign Relations Committee of the Senate to discuss and vote favorably upon the report of the conclusions of that conference, and afterwards, as a Member of the Senate, to vote to advise the President to ratify. So, sir, when I see that under the law which I am advised we are about to pass it is the intention of the agents whom we shall constitute to buy these ships; when I see that purpose has been formed and is liable to be executed under what I believe to be an erroneous opinion as to the state of the law and the international situation which they will meet, I feel bound to give the best I can in the way of expressing and explaining my view of the true condition of the law.

And later advising the Senate that the enactment of that bill would inevitably result not in buying a ship but an international quarrel, and necessarily involve our country in the European wars.

I repeat this was a most unfortunate compact as viewed from the American viewpoint, because if there is one prime essential that this Government is a pauper in it is ships. Not having them, no possible state of case could have arisen whereby we could sell that which we do not have, but a golden opportunity has presented itself whereby we could have purchased at bargain-counter prices all of the German ships now interned in our ports, except for the London conference, championed by the Secretary of State and so ably defended and adhered to by him afterwards as a Member of the United States Senate.

He is now frequently mentioned in the daily press dispatches as a strong possibility for the Republican nomination for President at the coming Republican convention at Chicago. It remains to be seen how much the part he played in effecting the London Conference, in the wake of which followed the unparalleled freight congestion in New York City and other American harbors, and railroad embargoes that have blocked

American commerce, will contribute to his popularity and enhance his chances for that nomination. If the current reports that American business, fearing enormous losses by reason of this congestion which results even in part from effects of the London Conference, the American business man will, at least, know where the blame belongs.

Subsidies thrive and flourish on inefficiency and unbusiness-like methods. The beneficiaries are insatiable; subsidies, like all taxes, tariffs, bounties, and subventions, are ever on the increase. They feed and fatten on themselves.

Mr. SAUNDERS. Mr. Chairman, I ask unanimous consent that the debate on this substitute conclude at the expiration of five minutes.

Mr. MANN. Oh, no.

Mr. SAUNDERS. Well, say 10 minutes. It is a very unsatisfactory method to discuss the bill, in this general fashion, when we can take it up section by section under the five-minute rule, and discuss in detail every feature that is referred to in the substitute of the gentleman from New York. It is not proposed to cut off debate, but to enable the debate to be conducted in more satisfactory fashion.

Mr. SLAYDEN. There will be opportunity for debate, will there?

Mr. SAUNDERS. Ample time.

Mr. BENNET. If we discuss this now, it will obviate the necessity for the same discussion later.

Mr. SAUNDERS. A general discussion of the substitute is not nearly so satisfactory as a concrete discussion of the different features section by section.

Mr. MANN. I think the debate will be concrete enough.

Mr. SAUNDERS. We will have to move to cut off debate unless we can reach an agreement.

Mr. MANN. The gentleman can move that any time he likes. If you want to put the gag on us, put it on.

Mr. SAUNDERS. Certainly, I understand that, but I prefer to reach an amicable agreement.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the debate on this substitute close in five minutes.

Mr. MANN. Make it 25 minutes.

Mr. SAUNDERS. I accept that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I wanted to get at least 10 or 15 minutes on this, but owing to the illiberality of that side of the House I do not desire to ask it.

Mr. FITZGERALD. The gentleman has just got 25 minutes.

Mr. MANN. Not for myself.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I have heard various gentlemen on the Democratic side of the House privately refer to the fact that this was an authorization for the expenditure of \$50,000,000, and that that authorization would cease at the end of five years after the war. Neither statement was correct, or based on any proposition in the bill at all. This bill authorizes the expenditure of \$50,000,000 in the purchase or construction of ships, and the expenditure of another \$50,000,000 in the purchase of the stocks of one or more corporations, which corporations shall purchase or construct ships. It provides that the corporation shall go out of business five years after the end of the European war, but it does not provide that the Government shall go out of the business of buying, selling, leasing, or operating ships at any time. Section 11, which is left out of the substitute, provides that at the end of five years after the European war the corporation shall be dissolved, and that the shipping board may sell, lease, or charter the vessel. After it sells the vessels, it turns the proceeds into the Treasury to its own credit, not as a miscellaneous fund, and it can use that money over and over again as it pleases. There is no limitation whatever at the end of five years.

Section 5 authorizes the Government to construct ships to the extent of \$50,000,000, in addition to the \$50,000,000 contributed to stocks in section 11, and there is no end to either one.

Section 11, which provides for the shipping corporation, provides that the corporation shall be dissolved at the end of five years after the war, and when that time comes, then the Government is either to operate its own vessels or grant private preferential leases or charters to other individuals. So that gentlemen on the other side who have been consoling themselves with the idea that the Government was going out of this business at the end of five years after the war are entirely deceived. You had better have the corporation continue indefinitely than to have the corporation ended at the close of five years and the Government itself either operating the ships or making private

leases to private corporations or private individuals, as this bill contemplates.

Under the terms of this bill there is no way for any of the money ever being covered into the general fund of the Treasury. It is permanently appropriated—every dollar of it that the Government advances is permanently appropriated—to be handled by the shipping board after the end of the five-year limitation, for the Government to operate, or for the Government to make personal, private leases, in which it will have no interest as a stockholder.

I heard some gentlemen over on the Democratic side boldly proclaim in the last Congress, and privately in this Congress, that they never would vote for a bill that put the Government permanently into the shipping business. I shall await with pleasure hearing the distinguished leader of the Democratic side explain how he can vote for a bill which permanently puts the Government into the shipping business, when he has frequently declared that he never would. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARDY. Mr. Chairman, the gentleman from Illinois is usually very particular in his constructions and is generally at least very correct, but he has totally misapprehended this bill. Section 14 is the only part of the bill which provides for any appropriation or the application of any public funds to the purposes of this bill, and section 14 limits the amount of public money to be so applied to \$50,000,000.

Mr. MANN. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. MANN. Is not the only limitation in section 14, \$50,000,000, of the sale of Panama bonds?

Mr. HARDY. That is the means of acquiring the money, that is all.

Mr. MANN. Oh, no; not at all.

Mr. HARDY. The gentleman is unquestionably mistaken.

Mr. MANN. The gentleman will find that is only a limitation on the amount of bonds sold, but no limitation on the expenditures.

Mr. HARDY. That is the only money appropriated for the purpose of carrying out the purposes of this bill. Section 14 appropriates for the purpose of carrying out the provisions of sections 5 and 11 of this bill \$50,000,000, no matter how it is applied. I think I can explain, because the bill was gone over very carefully and the whole of the appropriations were carefully limited to the total amount of \$50,000,000.

The amount appropriated may be expended in different ways. Section 5 authorizes the board to buy with any part of the \$50,000,000, or have built ships here or elsewhere. Then if the Government sees proper these ships may be leased or sold to a private corporation or private capital. If so sold the money comes back into the hands of the board and may be used over again for buying other ships. It is possible that the Government might purchase \$50,000,000 worth of ships and sell them to private parties subject to the regulations of this bill, get \$55,000,000 for them and reinvest that money in other ships. That is true, but the Government under no circumstances can appropriate under this bill more than \$50,000,000, except as proceeds or profits arising under the operation of this law may be covered into the Treasury and placed to the credit of the shipping board.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDY. I will; my time is very limited, however.

Mr. MANN. I will wait until I have my own time if I can get it.

Mr. HARDY. There are two ways in which this money can be expended, first, in buying ships and leasing them to private capital or selling them, and, second, if private capital refuses to lease or buy from the board on fair terms and undertakes to hold up the Government and to say to the board you have your ships and you have got to sell them, and we will not treat you fairly or give you a fair price, we have provided the means to prevent that hold-up by authorizing the Government to organize a corporation or corporations, and if the Government authorizes a corporation with \$10,000,000 it will turn over to that corporation so many of the ships bought by the Government, charging the corporation up with them, as a part of its stock and paying for the stock which the Government takes with the property—that is, the ships which the Government turns over to the corporation. Then if you can conceive of private enterprise being totally indifferent to this opportunity, or attempting to hold up the Government, then the board might have to organize corporations and operate all the ships bought by the board, which in that case would be sold to the corpora-



tion of its own creation. But under no circumstances is there a greater appropriation than \$50,000,000, which may be applied by the Government to the purchase or building of ships or invested in corporations organized under its terms. Now I will yield to the gentleman from Illinois.

Mr. MANN. Section 14 provides that for the purpose of carrying out the provisions of sections 5 and 11 bonds of the Panama Canal may be sold not to exceed \$50,000,000, and that entire amount, if appropriated, could be used under section 5 of the bill, could it not?

Mr. HARDY. Absolutely; and then there would be nothing left for section 11.

Mr. MANN. Section 11 contains an authorization for the Government to purchase fifty millions of stock, which would warrant an appropriation. That is so perfectly patent that anyone familiar with appropriation bills would know at once that the entire \$50,000,000 of bonds could be used under section 5, and then there would be an authority to make an appropriation of \$50,000,000 more under section 11.

Mr. HARDY. Section 11 says that the board, if in its judgment such action is necessary to carry out the purposes of this act, may form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels, and so forth.

That is the purpose for which corporations are formed, but that contains no authorization for them to use any money not appropriated by law.

Mr. MANN. Section 11 says:

The board may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in regard thereto necessary to protect the interests of the United States and to carry out the purposes of this act.

That is an authorization for the board to subscribe for \$50,000,000 of the capital stock, which we would have to appropriate for.

Mr. HARDY. Not at all. Under the provisions of the bill the board may subscribe for the stock and turn over the ships procured under section 5 in payment for that stock.

Mr. MANN. It may, but it is not required to.

Mr. GILLET. Mr. Chairman, I recognize, as does everyone, the desirability of establishing an American merchant marine in foreign trade. For years a majority of the Republican Party has endeavored to attain that end by the same means which our rival nations have used, and as regularly the Democratic Party has opposed and thwarted us, denouncing all Government aid and subsidies. Now that party brings in this bill, which has every drawback and disadvantage and vice which attaches to a subsidy, and various others besides.

The time is shrewdly chosen. There is a crying need for merchant ships in every sea. Freight rates have soared to an incredible height and every ancient and discarded ship which dares to risk crossing the ocean is earning prodigious dividends. Noah's ark would be a profitable freighter to-day. [Laughter.] Thoughtless men will say there never was such an opportunity for the Government or anyone else to invest in ships. But a little reflection shows how superficial that reasoning is.

The reason for the present conditions is clear and unmistakable. All the ships of one of the great maritime powers are shut up in port. A considerable fraction of the ships of other nations has been sent to the bottom in the past two years. A large proportion of the ships of the other great maritime powers has been diverted to military service. And while the supply of ships available for the world's commerce has thus been so enormously reduced, the supply of cargo and demand for space has enormously increased. The nations of Europe have felt such a stringent need for our munitions and supplies that they are willing to pay any price for them, and abnormal freight rates have no effect in checking their demands. Thus an unprecedented shortage of ships is accompanied by an unprecedented supply of freight and, of course, the inevitable law of supply and demand produces its invariable result.

Such a condition insures a golden harvest for the few lucky enough to be prepared for it. If the United States Government or any other corporation could float \$50,000,000 worth of new ships, built at normal prices, in New York Harbor to-morrow, even under the most extravagant management, it could probably earn a large portion of their cost before the war ends. But neither the United States nor anyone else can accomplish that. Every shipyard is working to its full capacity at high prices. The ships provided for in this bill, in all probability, can not be in commission until the war is ended. What the conditions then will be no one can foretell. But one thing is certain, our ships will have to compete for business with all the other ships of the world.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GILLET. Yes.

Mr. ALEXANDER. If the gentleman's argument is sound, why do we undertake to build up the Navy which we can not get until the emergency is over?

Mr. GILLET. The need for a navy does not depend on the present war. If the only need for a navy was during the existence of the present war, there would be some force in the gentleman's argument, but the need for a navy will be far greater when the war is over than it is to-day. [Applause on the Republican side.]

And that brings us to the heart of this whole question. Why is it that American ships have been driven from the foreign trade by other ships and is there anything in this bill to change that economic law?

We all know the reason—it is that it costs more to operate American ships than any others. The standards of living and of wages in America are higher than anywhere else in the world. Americans will not become sailors if they can do vastly better on shore. Because of our laws and our land competition American sailors have to be paid and fed and housed better than any others. But the work of a sailor is not now such that the efficiency of an American sailor can be relatively as much higher than that of other nationalities as is his cost. And yet his employer has to compete directly with the ships and crews of other nations. He can not maintain the contest. The other ships and crews are so much cheaper that they can carry freight at a profit when it would be to him a constant loss. And so the American ship is driven from the foreign trade. American capital and labor can do better on shore.

American capital, to be sure, has made large investments in ships, but in order to earn dividends it is obliged to sail them under foreign flags. They are directed by American owners and serve American interests, but we do not have the pride and satisfaction of seeing the American flag float over them. That is the price we pay for our high standards of living and wages.

How does this bill undertake to relieve the situation? By investing \$50,000,000 in ships to be run by the Government through a shipping board. No one pretends that they can be either bought or run by the Government any cheaper than by any other American. On the contrary, a candid man will admit that it will cost the Government more than a private individual. But these ships on the ocean will meet the free competition of the ships of other nations. That can not be avoided. To get business they must meet their freight charges. And that means that they must be run at a loss. And that loss must be paid from the Treasury, paid by all the people of the United States. And who gets the benefit of it? If there is an increased trade, that would be a national benefit, just as in the case of a subsidy. But the immediate beneficiaries are the shippers, who get cheaper rates than they otherwise would get, and the ports which get lines they otherwise would not have. That is paid for out of the Treasury. That is a subsidy. But it is a subsidy much less effective and remunerative and aboveboard than the ordinary subsidy.

And it has attached to it problems which involve local and political jealousies and logrolling which are certain to produce scandals. These ships will accommodate but a small fraction of our foreign trade. What ports shall they ply from? Where shall they touch? What kind of freight shall they take? Who shall get the preference in the low rates? What special favors shall be conferred? Everyone familiar with official life in Washington, with the constant pressure on executive officials to exercise favoritism, and with the constant yielding to that pressure by the present administration, at least, must be apprehensive over the operation of this shipping board, which would have such constant and lucrative opportunities to dispense personal, local, and political favors.

Government ownership at its best is attended with grave dangers in a republic, but I can think of no field of Government ownership less defensible than this. The argument is feebly advanced that this is only a branch of preparedness. It is sufficient answer to remind you that when this project was first advocated—just as earnestly as it is now—the administration was opposed to preparedness; avowed that the normal rate at which our national defenses were strengthening was quite sufficient. Since then, to be sure, the administration has changed front on that question, as on so many others, but that proves that the military argument is only an afterthought. It is really a project to put in the hands of this administration the spending of a vast sum of money, the dispensation of a large amount of patronage, and the building up of such ports and industries and products as it shall elect. It is based on the same principle as a subsidy, but is open to much greater abuses. It is unwise,

ineffective, extravagant, and we shall be very fortunate if it does not breed scandal and corruption. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLET. Mr. Chairman, I ask permission to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, I desire to call the attention of the committee to the exceedingly unsatisfactory way in which the real features in controversy are being debated. How much more satisfactory it will be for the two sides of the Chamber to take up this matter in order, and when a debatable proposition, is reached, consider it in order. In this way the discussion will be directed to the matter in issue, and will be of a deliberative character.

The committee is not seeking to evade or limit discussion. We invite criticism and desire fair discussion of every section of this bill. The gentleman from Illinois made certain suggestions as to the possibilities of this bill. Of course I give merely my own opinion, but I do not think that there is any merit in his suggestion. Let us see if I can support my opinion. The gentleman suggests that under the provisions of this bill the Government might become liable for, or expend a sum in excess of the sum appropriated, and provided for the disposition of the board. If such a thing were possible under the bill, it would be a valid criticism. But it is not possible. The board is authorized to take stock in the corporations that may be organized under the laws of the District of Columbia. That is true. But where does the money come from to meet that subscription? The means required, is provided in section 14. You have the bill before you, look to section 14 in respect to the money provided to pay for stock subscriptions.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SAUNDERS. Certainly.

Mr. MADDEN. Does the gentleman contend that the Government, under sections 5 and 11 and section 14 of this bill, is to buy \$50,000,000 worth of ships and pay for them, and then subscribe \$50,000,000 to the capital stock of these corporations, or invest \$100,000,000?

Mr. SAUNDERS. That is an impossibility under this bill. That has been suggested in the way of criticism, but there is no foundation in the bill to support the charge. If such a thing was possible under the bill, that fact would furnish the ground of just criticism of the pending measure.

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. SAUNDERS. Yes.

Mr. MADDEN. Is it proposed to buy \$50,000,000 worth of ships?

Mr. SAUNDERS. Well, I do not know. That is left to the discretion of this board which, I trust and believe will be constituted of men of such large vision, and patriotic view, and sufficient capacity that they will do what is best in reference to whatever situation may confront them. The board may buy \$50,000,000 worth of ships, if they think best to do it, or they may not buy a ship.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. LONGWORTH. Suppose in the event of the passage of the bill it was found impossible to buy any ships, either being made in the shipyards or at present under sail, would the gentleman advocate the buying of the interned ships of belligerents under existing circumstances?

Mr. SAUNDERS. That is a question which the gentleman can answer for himself as well as I can.

Mr. LONGWORTH. But would the gentleman advocate it as a matter of national policy?

Mr. SAUNDERS. Personally, I would not. It is not in the contemplation of this bill to buy belligerent ships.

Mr. LONGWORTH. Would the gentleman object to an amendment which would prevent the possibility of buying them?

Mr. SAUNDERS. So far as I am concerned I have no objection whatever.

Mr. LONGWORTH. I will offer such an amendment.

Mr. SAUNDERS. Now let me answer the inquiry of the gentleman from Illinois—

Mr. ALEXANDER. Will the gentleman yield for a moment?

Mr. SAUNDERS. I will.

Mr. ALEXANDER. I would like to ask the gentleman from Ohio [Mr. LONGWORTH] if he had any objection to buying interned ships if the other belligerent nations should not object?

Mr. LONGWORTH. I did not hear the gentleman.

Mr. ALEXANDER. I would like to ask the gentleman if he has any objection to buying the interned ships if the allies did not object?

Mr. LONGWORTH. If the allies would consent to it? That is not the proposition involved at all. You are giving by this bill, as I gather, authority to this board, not to Congress, but a body of men—

Mr. ALEXANDER. Answer my question. That is what Brazil wanted Germany to do and tried to get the consent of the allies to it. Would the gentleman object to it under those circumstances?

Mr. LONGWORTH. I object to the creation of a board of seven men which will have the authority to do such a thing.

Mr. SAUNDERS. What the gentleman has in mind is to avoid international controversy. I agree with him in that respect.

Mr. LONGWORTH. Quite so.

Mr. SAUNDERS. Now let me answer the question of the gentleman from Illinois. Where is the money to come from, with which to pay for the stock in the companies which may be formed under the laws of the District of Columbia? Why, it is provided for by section 14. What does section 14 say? That for the purpose of carrying out the provisions of sections 5 and 11 the Secretary of the Treasury, may sell the bonds referred to, not to exceed \$50,000,000. Section 5 is the ship construction section, and section 11 the one that relates to the formation of the companies in which the United States may be a stockholder. Whether acting under one, or both sections the board can not expend a greater sum than the amount provided, and that amount is \$50,000,000.

Mr. LENROOT. I think it must be apparent that this preliminary discussion is exceedingly valuable, so that we may at least have the construction that the committee has placed upon certain important provisions in this bill so as to enable Members to determine whether amendments ought to be offered or not to specific provisions. But with reference to this question of whether here is a limitation of \$50,000,000 or not, there is one thing that I am sure the gentleman who has just spoken will not deny, and that is that here is an authorization for unlimited appropriations to be put upon any appropriation bill in excess of the \$50,000,000. The gentleman will not deny that, I am sure.

Mr. SAUNDERS. Congress will be perfectly competent to appropriate under this act or any other act—

Mr. LENROOT. And here is an express authority for unlimited expenditure, measured only by such appropriations as Congress may see fit to make in any appropriation bill. But, further than that, let us assume, Mr. Chairman, that \$25,000,000 of stock is taken in this corporation.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. LENROOT. Yes.

Mr. SAUNDERS. Is not the limit upon an appropriation of the Post Office bill such appropriation as may be deemed necessary for the proper development of our Postal System?

Mr. LENROOT. But the gentleman has been arguing that here was a \$50,000,000 limitation and the Government could not go beyond that. I am saying there is an authorization that goes to any extent that appropriations may be made to meet without further express provision. That is the only point I am making.

Mr. SAUNDERS. I say they could not go beyond it under the authority of this bill. Can they go beyond it without coming back to Congress and getting additional authority?

Mr. LENROOT. I say they can. If a point of order is made against the appropriation, because it is not expressly authorized by law as the rule provides, the gentleman must admit that that point will be overruled, because this bill does authorize such appropriations as the committee may choose to bring into this House.

Mr. SAUNDERS. I admit that, of course.

Mr. LENROOT. That is the only point I was making upon that phase of it.

Further than that, Mr. Chairman, let us assume that this board subscribes to this corporation proposed in section 11 \$25,000,000 of stock and pays for it out of this \$50,000,000. Let us assume, further, that they construct or purchase under section 5 ships to the extent of \$25,000,000 and pay for them. Then they have exhausted the \$50,000,000 appropriated. But will the gentleman say that that board, although the \$50,000,000 has been exhausted, can not go on and lease vessels to an unlimited extent and bind this Government to pay \$5,000,000 or \$10,000,000 and \$20,000,000 a year and create liabilities against the Government for which appropriations must be made? I am not saying that ought not to be done.

Mr. SAUNDERS. I deny that anything of that sort is possible under this bill.

Mr. LENROOT. I assert that it is, because there is not one word of limitation anywhere in the bill in that respect. We should treat this upon its merits. I am not necessarily objecting to it, but I think we ought to understand the proper construction of it when we go into it; and I do assert that it does



permit a liability against the Government in excess of the \$50,000,000; and we must trust this board not to go beyond the \$50,000,000 not because they have not the power to do so, but because presumably they would not do so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HUMPHREY of Washington. Mr. Chairman, has the time expired?

The CHAIRMAN. The time has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 86.

So the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer a substitute to the first section of the bill, and give notice that if it is adopted I will move to strike out the rest of it.

The CHAIRMAN. The gentleman from Washington offers an amendment to strike out the first section, and substitute, and gives notice that if the amendment be adopted he will move to strike out the subsequent sections of the bill, giving his notice under the rules. The Clerk will report the amendment.

The Clerk read as follows:

That the Postmaster General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes 4,000 miles or more in length, outward voyage, to South America, to the Philippines, to Japan, to China, and to Australasia, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act: *Provided*, That the total expenditure for Foreign Mail Service in any one year shall not exceed the estimated revenue therefrom for that year.

Sec. 2. That a contract pursuant to this act or hereafter pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," shall not be made by the Postmaster General for the transportation of the ocean mails by any steamship which shall be owned or controlled by any railroad company or railroad corporation or to which any railroad company or railroad corporation shall extend any favor, privilege, or advantage which is not also extended on the same terms to any other American steamship. The Postmaster General is hereby authorized and directed to cancel any such contract upon evidence satisfactory to him that any provision of this section has been violated.

Sec. 3. That in any contract made pursuant to this act or hereafter made pursuant to the said act of March 3, 1891, the owners shall agree that any steamship under contract shall not be sold without the consent in writing of the Secretary of the Navy.

Sec. 4. That a tonnage duty of 12 cents per ton, not to exceed 60 cents per ton per annum, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place not in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea or Newfoundland, not, however, to include vessels in distress or not engaged in trade.

That so much of section 86 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," as conflicts with this section is hereby repealed.

Sec. 5. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage.

Sec. 6. That section 4132 of the Revised Statutes is hereby amended to read as follows:

"Sec. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing steel steamers of 2,500 gross tons or over, wherever built, and to engage only in trade with foreign countries or with the Philippines, being wholly owned by citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not be entitled to mail compensation under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports and to promote commerce,' or to any compensation under this act, and shall not engage in the coastwise trade or transport from one port of the United States to another port of the United States either directly or via a foreign port or for any part of the voyage passengers or merchandise under penalty of \$200 for each passenger so transported, and the forfeiture of the merchandise so carried."

Mr. ALEXANDER. Mr. Chairman, I make the point of order that that amendment is not germane to the first section of the bill.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment to the first section.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "country," strike out the words "including the import and export trade."

Mr. BENNET. Mr. Chairman, under the decision in the case of Gracie against Palmer, the Standard Oil carriers which take oil from Bayonne across the Atlantic Ocean, being owned by one corporation and getting their oil from another, are common carriers. Whenever I find language in a bill that applies to only one corporation or individual I rather assume that it applies to that corporation and individual. So far as I know, there is no other line that sends ships away from this country with a cargo and brings no cargo back, and that therefore is not in both the import and export trade.

I can not escape the conclusion that this language—I do not say it was framed for that purpose—will benefit one corporation, and one corporation only, and that is the Standard Oil Corporation under some one of its aliases or subsidiaries, because there is no use for the word. Here is the section:

The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions and a foreign country.

That is a complete definition. Now, if you put in the words "including import and export trade" you let the Standard Oil out, because they are only in the export trade. Why in the world those words are in there except for that purpose I can not understand, but I do say that the ships—and there are many of them that are under the Standard Oil subsidiary that ply between Bayonne and Europe and are engaged in the export trade—would be taken out from under the provisions of this bill if these words are left in.

Mr. ALEXANDER. Mr. Chairman, I understand the gentleman is a lawyer, but I would not suspect it from his argument. [Laughter.]

Now, the provision is—

The CHAIRMAN. Does the gentleman from New York yield further?

Mr. BENNET. I am through.

The CHAIRMAN. Oh; the Chair was not aware of that.

Mr. ALEXANDER. This is a definition of the term "common carrier": The term "common carrier by water in foreign commerce" means a common carrier engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories, or possessions, and a foreign country, including the import and export trade.

I suppose if it included both it would include either, and that it would include the Standard Oil Co. or any other company if engaged in the export or import trade as a common carrier by water.

Now, I can not understand the argument of the gentleman that if the definition stands as written in the bill it may favor some company. We simply define the term "common carrier" in foreign commerce as applied in this bill, and, of course, as to certain ships it might apply to the export trade, and as to other ships it might apply to the import trade, but it is intended to apply to the trade both ways.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. GREEN of Iowa. Will the gentleman explain, then, under his construction what is the need of having the words there at all?

Mr. ALEXANDER. I will say very frankly that if these words there were omitted, the meaning would be the same.

Mr. BENNET. Certainly. Why put them in?

Mr. ALEXANDER. Well, the gentleman's objection to them does not lie.

Mr. BENNET. My objection lies all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I would like to ask the chairman of the committee a question, if I may have his attention. I move to strike out the last word for the purpose of asking a question.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. LENROOT. With reference to the construction of the term "common carrier," at some point in the hearing I observe the chairman of the committee made the observation that the tramp steamer would not be included in the term "common carrier," and I would like to have the gentleman's view upon that point.

Mr. ALEXANDER. I do not think the chairman of the committee ever made that statement. Mr. Kirlin, of New York, made the statement that about two-thirds of the cargo carrying of the world was done in tramp steamers, and if those steamers were chartered by a private party at a stipulated price they

would be bailees for hire, and would not be common carriers within the provisions of the law.

If the gentleman will look at the hearings in this case, he will see that I included a brief upon that subject from which it may be clearly determined when they may be common carriers and when they may not be common carriers.

Mr. LENROOT. Then it is not the gentleman's view that the tramp steamer is not necessarily a common carrier?

Mr. ALEXANDER. No. It is indicated when they may be and when they may not be.

Mr. TOWNER. Mr. Chairman, I want to oppose the pro forma amendment. I would like to ask the chairman of the committee if it is not practically true that all of the business done by tramp steamers is done under special contracts or charter agreements?

Mr. ALEXANDER. I think not.

Mr. TOWNER. I think the testimony before the committee was to that effect. Several of the witnesses testified unequivocally that that was the case; and, so far as I know, there was no testimony to the contrary.

Mr. ALEXANDER. If I understand the gentleman, his statement is to this effect, that a large part of the cargo-carrying trade is done by the tramp steamers, and they would not come under the provisions of this law. Is that what the gentleman understood the witnesses to testify before the committee?

Mr. TOWNER. I am not sure about that. I am inclined to think so, though. However, I do not think there is any question, if the fact is true, that the tramp-steamer traffic carried under special agreements or charter agreements could not be considered as a common-carrier traffic within the meaning of the law.

Mr. ALEXANDER. They are bailees for hire.

Mr. TOWNER. Certainly. They are engaged, in other words, not in general traffic business; they are engaged in a special contract to carry goods from one port to another; and, as I understand it, that is practically the method in which the tramp-steamer business is carried on.

Mr. ALEXANDER. I will not agree to that statement except in part. There is a large amount of the business done by so-called tramp steamers that makes those steamers come within the definition of common carriers. In other words, they go on berth and take miscellaneous freight just like any other steamship, but when I charter a ship to carry a cargo for me, of wheat or coal or any other commodity, then the carrier is a bailee for hire for me for a stipulated price for that service and for a particular voyage and would not come under the bill.

Mr. TOWNER. That may be true, Mr. Chairman; but as I understand it, this is the condition of the tramp-steamer traffic: They will make a contract to carry a cargo of goods from one port to the other. That is only, however, a part of their agreement, and immediately upon securing a contract of that kind, they have their agents arrange to make another contract agreement to carry a cargo from that port to some other place; not necessarily back to the original port of shipment, but to some other place, and so on from time to time. In other words, advance agreements are always made in the tramp-steamer trade, by which when the vessel goes from one port to another it is under a special contract to transport certain articles from that port to the other.

They do not go from one port to the other on regular schedules. They go all over the world, their only object being that when they take a shipment of goods from one port to another port they shall be able to receive a cargo from that port to some other port. And as long as that character of traffic continues, they are not common carriers, but only bailees for hire, and not within the provisions or terms of this law.

Mr. SAUNDERS. It is not intended that they should be.

Mr. TOWNER. I am not criticizing the proposition. I am only trying to show that the tramp-steamer traffic is not within the provisions of this law, and that tramp steamers are not common carriers within the definition given in this bill.

Mr. SAUNDERS. I agree with the gentleman. We had that in mind and did not intend that they should be.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BENNET. Mr. Chairman, I move to amend the bill by striking out the word "and," in line 1, page 2, between the words "import" and "export," and to substitute therefor the word "or."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, strike out the word "and" where it occurs the second time in the line and insert in lieu thereof the word "or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. BENNET. Mr. Chairman, the gentleman from Missouri [Mr. ALEXANDER], with rather unaccustomed brusqueness on his part, paid his compliment to my legal ability in words, but almost immediately thereafter paid the highest compliment that one lawyer can pay to another, because he agreed with my contention that, unless there was some reason not apparent upon the surface of the bill, there was no reason at all for the inclusion of the words "including export and import trade" in the paragraph; in other words, that without them, unless my contention was correct, the definition was as complete without the words as with them. Now, I want to test the sincerity of the gentleman from Missouri.

Mr. ALEXANDER. What does the gentleman suggest?

Mr. BENNET. My suggestion is that we strike out the word "and" and insert the word "or," so as clearly to include the tank steamers of the Standard Oil Co., which are engaged only in the export trade. The gentleman says those words are not of any particular benefit one way or the other. So when the statement has been made by a man representing in part the cities from which these ships sail, that this provision does take the Standard Oil tank vessels out of the operation of this bill, why quibble, unless you want—

Mr. ALEXANDER. If the gentleman will yield right there,

Mr. BENNET. Certainly.

Mr. ALEXANDER. If the gentleman can stop his windmill, I will tell him what I will do.

Mr. BENNET. I do not yield for any discourteous suggestion like that.

Mr. ALEXANDER. The remark is intended to be good-natured. I do not think the word "or" ought to be substituted for the word "and" unless we substitute the word "whether" for the word "including."

Mr. BENNET. So that it will read "whether the import or export trade?"

Mr. ALEXANDER. Whether in the import or export trade."

Mr. BENNET. That is entirely satisfactory. Mr. Chairman, I ask unanimous consent to withdraw my amendment and ask that the one just suggested by the chairman of the committee be substituted.

Mr. ALEXANDER. Make it read "whether in the import or export trade," in lieu of the present language.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the word "including" and insert the words "whether in," and strike out the word "and" and insert the word "or," so that the line as amended will read "and a foreign country, whether in the import or export trade."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 1, line 5, after the word "carrier," insert the words "except ferryboats running on regular routes."

Mr. BENNET. Mr. Chairman, there are 536 ferryboats in the United States, most of them engaged in interstate or intrastate commerce, it is true, but a few engaged in commerce which is defined in this first paragraph.

I have in mind the ferryboats running from Detroit to Windsor, from the United States to Canada. Unless you adopt my amendment you will have this somewhat ridiculous situation, that these ferryboats, which are, I presume, crowded morning and night by people going backward and forward, and all other ferryboats similarly situated, will have to go to all the bother of selling tickets and adopting all the regulations and rules that subsequent provisions provide. A ferryboat is not really a part of commerce. It is an extension of a road. It is the erection of a convenience. This amendment is not of any great importance, except that it does seem to me that a great deal of inconvenience will result.

Mr. SAUNDERS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SAUNDERS. The committee will accept that amendment.

Mr. BENNET. I thought they would.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.



The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 4, after the word "carrier," insert "except ferryboats, tugboats, and vessels of less than 100 tons burthen."

Mr. BENNET. Mr. Chairman, as I said a few moments ago, there are 536 ferryboats in the United States, of which 152 ply in the waters in and about the city of New York. Now, if you leave this bill as it is, so that it applies to every towboat, every ferryboat, and every little bit of a skiff, you just simply make your law ridiculous. New York City is just across the river from New Jersey, and therefore every tug and ferryboat that goes across the Hudson River comes under the definition of "a carrier by water in interstate commerce." That means that every time a steamer comes to the dock and throws a line to one of these little puffing tugs, and the rate is perfectly well known, nevertheless that steamer and that tug have both to report that oral understanding, which is as definite as the price of a shave in a barber shop ordinarily. That report must be made to this shipping board. It means more than that. You take our ferry lines—the Erie, the Lehigh, Delaware & Lackawanna, Pennsylvania, the West Shore, including the New York Central—and they have all to sell tickets. Imagine some Member of Congress running down to the ferry to get a boat and being stopped at the gate until he can buy a ticket and then loses his boat. It will delay patrons of the ferryboats by scores of thousands daily. Why bother all these good people? A good many of them vote the Democratic ticket, but I am not in favor of making them any trouble. Take my friend from New York [Mr. OGLESBY]—

Mr. OGLESBY. Did the gentleman ever cross the ferry that he did not have to buy a ticket? I never was able to. [Laughter.]

Mr. BENNET. I am surprised. I do not know what boat my friend patronizes, but I will tell him that the Pennsylvania and the Baltimore & Ohio, if you have a mileage ticket on the railroad, you do not have to buy any ticket for the boat, and if you come in on either one of those railroads you walk off the train onto the ferryboat. The gentleman must be an object of suspicion. [Laughter.]

Mr. HARDY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HARDY. Does the gentleman want these boats to have the privilege of giving free passes to some and not to others?

Mr. BENNET. No; but I do not want the business people, the commuters of New Jersey, to be compelled to do what they do not have to do now.

Mr. HARDY. Does the gentleman find anything that requires a special form of ticket?

Mr. BENNET. Well, they have a good many rules and regulations. I am frank to say that I do not want the ferry service of New York City which is operating to universal satisfaction, especially to the thousands that come over in them every morning—I do not want them bothered.

Mr. HARDY. Is there anything in this law that prevents anything except discrimination?

Mr. BENNET. Of course. In the latter part of the bill and throughout the bill there is power conferred on the shipping board to adopt rules and regulations affecting, as they say in lines 13 to 18, that the term "other persons subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

Mr. HARDY. Does not the gentleman think that the proper and necessary rules and regulations ought to be adopted?

Mr. BENNET. I do not think that this project dealing with ships ought to deal with rowboats.

Mr. HARDY. The gentleman recognizes that docking facilities and everything relating to ships must be taken into account in your regulation of shipping, otherwise you would not have any.

Mr. SAUNDERS. Are the rowboats the gentleman speaks of common carriers?

Mr. BENNET. Oh, I used the word "rowboats" in somewhat of a metaphorical sense, but ships under 100 tons burden ought not to be burdened with the regulations of commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were 46 ayes and 55 noes.

So the amendment was lost.

Mr. BENNET. Mr. Chairman, I move to amend by striking out, in line 15, page 2, the word "forwarding."

Mr. BENNET. Mr. Chairman, the express business is already regulated by the Interstate Commerce Commission. Now it is proposed to put every express company that does business in connection with common carriers by water—that is, steamboats—whether doing business in a foreign country or between States, under the regulations of the shipping board.

Mr. SAUNDERS. The gentleman says that this subject matter is all within the jurisdiction of the Interstate Commerce Commission?

Mr. BENNET. Certainly.

Mr. SAUNDERS. Will the gentleman look at page 26, section 33, and see whether that would make it impossible for the shipping board to get jurisdiction over any subject matter that is within the jurisdiction of the Interstate Commerce Commission?

Mr. BENNET. Without looking at it, I know what the gentleman means. That section attempts to avoid interference between the shipping board and the Interstate Commerce Commission, but that makes confusion worse confounded. In what position does it leave the men in the forwarding, towing, lighterage, and wharfage business? I will tell you. It is an absolute uncertainty; he does not know which board is going to regulate it. The rules will be different; the provisions of the law are different.

Mr. HARDY. Does not the gentleman understand that the provision is absolutely necessary in order to prevent common carriers using auxiliaries for the purpose of effecting discrimination like little terminal charges, which may be remitted in favor of one patron or another?

Mr. BENNET. In my State the defendant is allowed to put in defenses that are inconsistent. The gentleman from Virginia calls attention to section 33, and says therefore the shipping board has no jurisdiction over forwarding, while the gentleman from Texas says that this jurisdiction in the shipping board is absolutely necessary in order to carry out the purposes of the act. That illustrates that the act is not going to work.

The unsound part of it, from my standpoint, I can state in four words. The unfortunate part of it is that the failure of the bill is going to come in the cities, the ports, one of which I partly represent; and these men in the forwarding business, in the towing business, are the men that are going to be under the uncertainty of the law, while the men who drew the bill, good, conscientious men, good Americans, will be safely ensconced in their districts 1,500 miles or 2,000 miles from the sea front away from the trouble. For once I am glad that we have a large Democratic representation from New York City, because I am glad that they are going to get a part of the trouble.

Mr. SAUNDERS. The gentleman from New York [Mr. BENNET] started out by suggesting that the express companies were already under the jurisdiction of the Interstate Commerce Commission, and that we now propose to make trouble for them by putting them under the shipping board. I simply desire to call the attention of the committee to the fact that the bill does not propose to do anything of the sort. We not only did not intend to do such a thing but the language of the bill excludes the possibility of such a result.

With respect to the lighterage concerns and others engaged in the enterprises spoken of, if any of them are at present under the jurisdiction of the Interstate Commerce Commission, that jurisdiction will remain with the commission. If they are not under the jurisdiction of the Interstate Commerce Commission, then jurisdiction will attach to the shipping board, and it ought to attach. There will be no conflict, no confusion and no possibility of doubt in the minds of these concerns as to where they will stand. If they are not already under the jurisdiction of the Interstate Commerce Commission then they will go under the authority of the shipping board where they appropriately belong as agencies connected with transportation by water.

Mr. BENNET. Then does not a man engaged in any one of these businesses—or rather is not a burden put upon him in every instance of determining whether he is under the shipping board or under the Interstate Commerce Commission?

Mr. SAUNDERS. Is not such a man at the present time under the difficulty of determining whether he is under the Interstate Commerce Commission?

Mr. BENNET. But now it is only half the difficulty.

Mr. SAUNDERS. He is certainly under that half.

Mr. BENNET. In part; yes. But now the difficulty is doubled.

Every man in the express business knows he is under the Interstate Commerce Commission by express enactment. Either this bill means something or nothing. If it means something, it means trouble for those people without result. If it means nothing, it is useless.

Mr. ALEXANDER. I just want to say this: I suppose the gentleman is speaking for the steamship lines represented in New York. I am speaking of the importers and exporters of New York who appeared before the committee when we investigated the so-called Shipping Trust, and said that unless we provide against the discrimination by these agencies the law would be ineffective. I am speaking for the great commercial interests of the city of New York and for the whole country.

Mr. BENNET. I stated on the floor the other day very frankly I read that report. I read it, and I was paid for it, and I represented before the committee quite a number of steamship lines. That was in the Sixty-third Congress while I was out of Congress. Now, I want to challenge the gentleman—I have read the testimony, 1,800 pages—to show me the testimony of one single, solitary New Yorker who came before his committee and asked to have ferryboats regulated. The gentleman has made the assertion, and he should prove it.

Mr. ALEXANDER. We are not talking about ferryboats now.

Mr. BENNET. I am.

Mr. ALEXANDER. We are not talking about ferryboats. I do recollect that the gentleman was before my committee at some time during the progress of that investigation, but to what extent he participated I do not recall.

Mr. BENNET. I did not hear that last remark.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from New York.

Mr. BENNET. I ask to have the amendment again reported. The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 2, line 15, after the word "forwarding," strike out "ferrying, towing."

Mr. BENNET. Mr. Chairman, I would not discuss this amendment, except I want to say that I have read every line of the testimony taken in the Sixty-third Congress that was adduced before the committee of which the gentleman from Missouri is chairman. I knew most of the witnesses in the exporting and importing business who appeared before that committee, and I want to say frankly, and give him from now until 4 o'clock to-morrow afternoon, which time he has, to produce the evidence of one single man from the city of New York asked to have either express companies or ferryboats put under the operation of this shipping board. The gentleman has made the statement that people from my city made that statement, and I make the statement they did not, and there is no testimony which will show it.

Mr. ALEXANDER. The gentleman can not build up a man of straw and expect me to knock it down. I did not say any such thing.

Mr. BENNET. Why, the gentleman made the statement on this floor, and I am saying there is no such thing in the testimony. I have no desire to discuss the amendment. It is simply another additional annoyance on commerce that the people from my city, who are going to be affected, and from other places, do not want.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "commerce," insert "vessels engaged in the trade or business of carrying passengers to and from fishing banks on the Atlantic coast shall not be deemed to be common carriers by water."

Mr. BENNET. Mr. Chairman—

Mr. GORDON. Will the gentleman yield?

Mr. BENNET. I will.

Mr. GORDON. Is the gentleman still a representative of those steamboat corporations the gentleman was telling about?

Mr. BENNET. If I was not aware of the gentleman's somewhat unusual methods, that would be an insult.

Mr. GORDON. It is a fair question. The gentleman just said the gentleman was representing them in the Sixty-third Congress.

Mr. BENNET. Yes.

Mr. GORDON. Well, that is a proper question, I think.

Mr. MANN. Probably the gentleman from Ohio would think it proper.

Mr. BENNET. Doubtless the gentleman from Ohio thinks it is proper and—

Mr. OGLESBY. I am sure the gentleman does not mean that my colleague is representing them in Congress; he does not mean to intimate that?

Mr. BENNET. I do not know what he means to intimate.

Mr. OGLESBY. I am sure he will absolve my colleague from representing them on the floor of the House.

Mr. BENNET. My colleague would, because he knows me.

Mr. GORDON. The question is whether you are representing them still as attorney. You have not answered that yet.

Mr. BENNET. Back there in New York? Of course not. That would be obviously improper.

Mr. Chairman, before I commence to speak upon this matter, may I have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BENNET. Mr. Chairman, I sincerely hope the committee will accept this amendment, and if I can have their attention I think they will. I am not myself a fisherman, but there are thousands of men in the coast cities who are. They go on week-days, and, I regret to say, to a large extent on Sundays, but that is their right under the Constitution of the United States, out to what are known as the fishing banks on passenger steamers. Now, the provisions of the statutes, possibly intended to be good, have so operated in and about the city of New York that every single one of these fishing boats has had to tie up. I get petitions from my constituents by the hundreds asking for some relief. I am inclined to think that under common acceptance these ships are common carriers under the decision.

Mr. ALEXANDER. What is the complaint under existing law?

Mr. BENNET. The complaint is under existing law as common carriers they have to carry so many sailors. They never go more than 10 miles from shore, and they would have to carry so many life rafts and boats that there would be no room on the boats from which to fish.

Mr. ALEXANDER. They complain of the seamen's law?

Mr. BENNET. Yes; but if they cease to be common carriers, then they do not come under the seamen's law. I am simply attempting to serve—

Mr. ALEXANDER. That would not affect this at all.

Mr. BENNET. I think it would. May I enter into a bargain with the gentleman?

Mr. ALEXANDER. I will say that we have a bill pending in the committee to amend the seamen's law in some of its features, and the situation in New York had been brought to my attention, too.

Mr. SAUNDERS. Where does your amendment propose to come in?

Mr. BENNET. At the end of line 12. The committee, I know, recognize themselves that these people have a just complaint. They are good honest citizens, and they ought not to be interfered with in what many people regard as a very fascinating sport. I am not a fisherman myself, but the people that do fish seem to have the same affection for it that the people who smoke have for smoking. I am glad to hear that there is an effort being made in the Committee on the Merchant Marine and Fisheries to alleviate their distress and to allow these 10 or 12 vessels to continue their operations. If the chairman of the committee said—and I have such confidence when he makes a direct assertion of this sort—that this amendment will not operate to reach the purpose, I have no very great desire to press it.

Mr. TOWNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. TOWNER. I am inclined to think that the chairman probably is correct about that, because the gentleman will notice that the definitions included in this act will apply only to this act.

Mr. BENNET. But if the gentleman will listen to my amendment, he will find that I was brutally frank. I rather thought it took them out of consideration as common carriers. It seemed to be the only chance in this bill to do those people any good, but if the gentleman from Iowa [Mr. TOWNER] and the gentleman from Missouri [Mr. ALEXANDER] both are of the opinion that it will not do them any good, I will ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section, and offer the substitute for the bill which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to strike out the section and insert as a substitute for the bill the bill which he sends to the Clerk's desk, giv-



ing notice under the rule that if adopted he will move to strike out the sections of the bill as they may be read. The Clerk will report the amendment.

The Clerk read as follows:

Substitute offered by Mr. MOORE of Pennsylvania:

"That the President of the United States is hereby authorized to appoint a shipping board, to be known as the United States shipping board, consisting of nine men, one of whom shall be named by the President as chairman of the board. The board shall be constituted as follows: Three members shall be practical seamen; one member shall be actually identified with the shipping interests of the Great Lakes; one shall be identified with the coastwise shipping interests, and one shall be identified with foreign shipping interests, and the remaining three shall be learned in the law.

"The said board shall be authorized and directed—

"First. To fully investigate and inquire into all matters and subjects connected with or pertaining to, or bearing upon—

"(a) The welfare of seamen and of boatmen who ply their trade upon inland waters;

"(b) The subject of protecting life and property at sea and upon inland waters;

"(c) The subject of officering and manning all vessels;

"(d) The subject of necessary amendments to the laws relating to the merchant marine of the United States and all other laws relating to merchant shipping and navigation in the United States, and generally all laws for the upbuilding of the merchant marine and the promotion and increase of foreign and domestic trade and commerce upon navigable waters.

"Second. To report not later than December 31, 1916, the result of said investigations on the subjects aforesaid, and to propose a plan or plans for the revision of the laws of the United States relating to the said subjects.

"SEC. 2. That the members of said board shall be paid their actual traveling expenses and subsistence while engaged upon the work of said board, and shall each receive as compensation the sum of \$5,000.

"SEC. 3. That the said board shall have the authority to employ a secretary, clerical and other assistants, and to make such investigations as to them may seem necessary and proper, the entire expenses of the said board not to exceed the sum of \$100,000.

"SEC. 4. That the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to meet the expenses of said board."

Mr. MOORE of Pennsylvania. Mr. Chairman, I am opposed to the present bill, H. R. 15455, because of its Government-ownership features. My information is that if it passes this bill will do great damage to the shipbuilding interests of the United States and to the labor by them employed; that it would tend to encourage foreign shipbuilding and take away from American labor the employment it has hitherto had in that great industry. The substitute that I have offered to the bill proposes to deal with this question of the upbuilding of the merchant marine in various ways. First, it proposes that a competent commission, made up not of shipbuilders exclusively, nor of seamen exclusively, nor of lawyers exclusively, but of all of them, shall investigate and inquire into matters pertaining to the welfare of seamen and boatmen, both upon the high seas and upon inland waters. I think most everyone familiar with the subject of shipping will agree that there is ample room for an improvement of our laws with respect to seamen on the high seas and with respect to boatmen generally. The substitute provides also for a report from this competent board in the matter of protection of life and property. There is room for improvement in that direction. Then it provides for an inquiry and report as to the officering and manning of vessels. It provides for a thorough inquiry into the matter of the upbuilding of the merchant marine, and particularly for a revision of the navigation laws of the United States.

Now, almost everyone who discusses this general question of the merchant marine refers to the alleged inadequacy or the restrictive tendencies of the navigation laws of the United States. The bill that has been offered by the Committee on the Merchant Marine and Fisheries does not contemplate—

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARDY. Does the gentleman recall section 13, which provides for the procurement of information concerning the relative cost of building vessels here and abroad and the cost of operating them under our flag and other flags? In other words, giving this board all the powers that the gentleman contemplates in his substitute?

Mr. MOORE of Pennsylvania. I recall the provision in the bill presented by the committee, but the bill carries with it as its main feature an appropriation of \$50,000,000 with which to enter a business to which, as a Government proposition, I am opposed and to which I believe the country is opposed, and it makes that \$50,000,000 a condition precedent to any inquiry that the shipping board is to make.

Mr. HARDY. And the gentleman's substitute takes the substance of section 13 and leaves out all the rest of the bill before the House.

Mr. MOORE of Pennsylvania. Yes; but the bill prepared by the committee puts the cart before the horse and first insists upon this scheme involving an appropriation of \$50,000,000 before inquiry.

Mr. HARDY. And you do not place any limit as to your inquiry?

Mr. MOORE of Pennsylvania. Yes; the time is fixed at December 31, 1916—ample time if the members of the commission were paid for their services and if they were free, as Members of Congress would not be, to make the inquiries necessary.

Mr. HARDY. The gentlemen thinks such a board could do that in six months, but that the committee that has had this subject under study for years can not make any recommendation or suggest any wise legislation?

Mr. MOORE of Pennsylvania. I think that men acquainted with the shipping industry and lawyers trained in maritime law, if placed upon such a board, would be competent in six months to recommend a revision of the navigation laws of the United States.

Mr. HARDY. The gentleman would have them report to Congress?

Mr. MOORE of Pennsylvania. Yes. I presume they would report to the Committee on the Merchant Marine and Fisheries.

Mr. HARDY. That report would come to our committee. Does the gentleman suppose we have not had experts and men engaged in shipping and in exporting and importing, and the wisest men connected with the trade, before us? Does the gentleman suppose we have not had those men before us?

Mr. MOORE of Pennsylvania. The committee may have had such experts before it, but the committee is made up largely of members of the legal fraternity, and the committee has brought in a bill not having any particular relation to the improvement of the navigation laws but having as its main purpose the building and purchase of ships here or elsewhere at tremendous cost.

Mr. HARDY. But does the gentleman know that the committee has had before it the best experts that this country contains, including the representatives of the American shipping lines and foreign shipping lines, and exporters and importers—and their lawyers, the best that the country contains?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may have two minutes more, in order that I may answer the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. And yet the committee of which the gentleman from Texas is a distinguished member, after hearing all these experts, these shipbuilders, these seamen, these exporters and importers, and these men versed in maritime law, has brought in a bill that does not propose to do a single thing by way of revising the maritime laws of the United States, except to provide such an inquiry as I have referred to.

Mr. HARDY. I will say to the gentleman that we have asked men who are versed in maritime law as to what single law they would want to see repealed, until it has become a joke in that committee as to what laws should be repealed, because, while there has been much talk of antiquated navigation laws, the experts fail to point out any objectionable ones.

Mr. MOORE of Pennsylvania. In the time I have at my disposal I will ask the gentleman whether, as a result of answers to his inquiries, he has not brought in here a provision providing that a board shall be created a part of whose duties shall be to report a plan such as I have suggested in my substitute?

Mr. HARDY. Exactly; and to meet the very proposition that the gentleman presents now, I will say there are some things that even our committee has not been able to thoroughly investigate.

Mr. MOORE of Pennsylvania. I concede that.

Mr. HARDY. We do not know what Germany does to forward her merchant marine; what discriminations, if any, she makes favoring her shipping.

Mr. MOORE of Pennsylvania. I concede that; but I submit to the gentleman that the main point of his bill is \$50,000,000 and the entering upon the Government-ownership plan, which is debatable here and debatable throughout the country.

Mr. HARDY. Is not the gentleman's main, if not only, purpose to do nothing now?

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SAUNDERS. Mr. Chairman, I wish to say that the inquiries proposed by the gentleman, are entirely proper, and should be made; but it is not necessary to accept the gentleman's substitute, in order to secure the information contemplated. Our bill provides for the same things as the gentleman's

substitute, as well as for other desirable things in connection with the development of our merchant marine. If you will look at section 13—

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. TOWNER. Really, would not the bill be complete, so far as those matters are concerned, if sections 5 to 12, inclusive, were stricken from the bill?

Mr. SAUNDERS. If we can ever get to section 5, the gentleman can bring that section in issue by an appropriate amendment.

Mr. TOWNER. My question was asked in good faith.

Mr. SAUNDERS. I am answering in good faith. Does the gentleman think that the amendments we have considered so far, are serious, or vital? I will not press for an answer to that, however.

Mr. TOWNER. I will say this to the gentleman: I think a representative of the great city of New York, where 64 per cent of the entire foreign commerce enters and clears, is entitled to have these propositions submitted.

Mr. SAUNDERS. Absolutely; but does the gentleman think the amendments offered so far have been either vital, or meritorious?

Mr. TOWNER. I think some of them would be very beneficial.

Mr. SAUNDERS. I will accept the qualifying statement that some of them would be beneficial.

I call the gentleman's attention to section 13. That section provides that every inquiry contemplated by the substitute of the gentleman from Philadelphia shall be made by the shipping board, and a report made to Congress for action.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. I stated to the gentleman from Texas [Mr. HARDY] that that section covers an inquiry.

Mr. SAUNDERS. Everything.

Mr. MOORE of Pennsylvania. But I also stated that that is incidental to the main purpose of the bill.

Mr. SAUNDERS. It is a part of our general plan for the development of a merchant marine.

Mr. MOORE of Pennsylvania. If the gentleman will yield further for this statement, I would like to say that section 13 is not operative until the Government of the United States has embarked in an experimental enterprise involving an expenditure of \$50,000,000.

Mr. SAUNDERS. Congress possesses sufficient information to-day, as a result of years of inquiry, to justify us in setting the machinery in motion to build up an American merchant marine. In connection with the proper evolution of the plan proposed, the board will collect the necessary statistics and information that will enable it to go forward with the good work with which it will be charged.

Mr. HARDY. Will the gentleman permit an interruption?

Mr. SAUNDERS. Yes.

Mr. HARDY. Speaking of the city of New York, I wish to say that the Representative on our committee from the city of New York [Mr. ROWE] and myself collaborated very earnestly, and I think very effectually, in framing section 13 to make it cover these grounds. Most of it was his work.

Mr. SAUNDERS. That section was drawn by two members of the committee, one of whom was a Republican Member from New York City.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 9, after the word "possession," insert the words "but for the purposes of this act the term 'common carrier by water in interstate commerce' shall not include ferryboats running on regular routes."

Mr. BENNET. Mr. Chairman, this amendment is similar to the one that the committee has already accepted in line 5, page 1, applying to common carriers by water in foreign commerce.

Certainly there is no reason why we should not give to our own people traveling between ports of our own country the same measure of consideration that we give to people traveling between our country and a foreign country. I have no pride of opinion as to whether the amendment shall come in where I have suggested, or whether it should come in on line 4, page 2, in the same words that were used in line 5, page 1, which were:

Except ferryboats running on regular routes,

The language in one place would accomplish the result as well as in the other; but I will say to gentlemen who do not live in cities situated like ours, it is absolutely essential that this tremendous traffic, which goes all one way in the morning and all the other way at night, should be left as free and unhindered as possible. There is no difficulty about it. There is no demand for this; there is no request for it. It is simply a nuisance. I appeal to my colleague from the twenty-fourth district [Mr. OGLESBY], who is a New Yorker, although he lives in Yonkers, whether this amendment ought not to be adopted. He is a good Democrat. Perhaps the committee will take his suggestion when they will not take mine. This is in the interest of the people whom he and I in part represent. Let us represent our city for a while, as the cotton people represent their districts, and try to get what we ought to have for our own people. I appeal to my colleague Mr. GRIFFIN to say whether I am not right?

Mr. GRIFFIN. Absolutely.

Mr. OGLESBY. Mr. Chairman, since the gentleman has appealed to me in this matter, I will say to him frankly that I do not know of any provisions in this bill that would necessarily harass the people who travel on those ferryboats. Every person who crosses on these ferries now has to get a ticket. If a person has a commutation ticket, that carries him through to his destination. If he does not have a commutation ticket and does not have a railroad ticket, which also will carry him through to destination, he is compelled at the present time to buy a ticket at the ferry entrance. If it is a question of tickets, I do not see how that makes any great difference. Frankly, though, I do not see why these ferryboats should be placed under the jurisdiction of this board.

Mr. BENNET. I do not, either.

Mr. OGLESBY. But I can not see any great reason why they should be taken out.

Mr. BENNET. I ask any member of the committee to give any reason why these ferryboats should be placed under this shipping board.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question being taken, on a division (demanded by Mr. BENNET) there were—ayes 36, noes 33.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BENNET and Mr. ALEXANDER.

The committee again divided; and the tellers reported—ayes 50, noes 61.

Accordingly the amendment was rejected.

Mr. COOPER of Ohio. Mr. Chairman, during the debate on the merchant-marine question on Tuesday, May 16, I asked a question which started a discussion that to me was very interesting. This question and the debate immediately following was as follows:

Mr. COOPER of Ohio. Is it not a fact that in every country where they have been successful in building up a merchant marine it has been done by subsidy?

Mr. BYRNES of South Carolina. No; it is not a fact.

Mr. ALEXANDER. The greatest line in the world—the Hamburg-American Steamship Co.—was built up without subsidy in any form.

Mr. BYRNES of South Carolina. In the Committee on the Merchant Marine and Fisheries, in the consideration of this bill, that question, so far as I am concerned, was settled beyond dispute, and I care not whether the gentleman thinks so, or some of the other gentlemen who remain in their seats and say so, the facts show it is not true, and I defy any man to prove it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. I yield.

Mr. KAHN. The gentleman from Missouri [Mr. ALEXANDER] just stated that the Hamburg-American Line was not built up by subsidy.

Mr. ALEXANDER. I did.

Mr. KAHN. Is it not a fact that Germany, owning its State railroads, gives a special rate to the goods manufactured in Germany, so that the steamship lines can get a preference in carrying the goods?

Mr. BYRNES of South Carolina. I will answer the gentleman.

Mr. KAHN. And it is equivalent to an enormous subsidy.

Mr. BYRNES of South Carolina. The gentleman has asked me a question, and I will say that that statement has been made in the committee several times, but never authoritatively, and even if it was, it is not such a subsidy as you gentlemen want, but have not the nerve to ask for now.

Mr. KAHN. It is a subsidy, nevertheless.

Now, Mr. Chairman, my question was not answered. The gentleman from South Carolina said that he would answer it so far as the German system of indirect subsidy or preferential rates given by the State-owned German railroads to German exporters shipping over German steamship lines is concerned. But all he said was that the statement that Germany used this system in helping its merchant marine had never been made authoritatively in committee during the hearings on the shipping bill.

I decided to investigate this question for myself and try to ascertain what authorities declared that Germany followed this



plan. I had no difficulty in finding plenty of authorities with the aid of the Library of Congress.

Among these authorities is the report on foreign bounties and subsidies made by the British foreign office to the House of Commons in June, 1913. This report stated that "preferential railway rates are in force on German State railways for certain raw materials and partly manufactured articles used for the construction of German shipping." It also states that the German East Africa Line and the German Levant Line receive assistance in the form of "largely reduced rates of carriage by all German State railways on goods exported from inland places of Germany on through bills of lading" over these lines. In addition, this report states that Germany grants postal subsidies and allows materials for shipbuilding and repairs to be admitted free of customs duties.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. I have only five minutes.

Similar findings to these were made by a special commission of British experts which investigated the question of foreign steamship subsidies in 1901 and 1902. Dr. Royal Meeker, in his History of Shipping Subsidies, published in 1905 by the American Economic Association, is another authority who admits that Germany aided its steamship lines by preferential rates in connection with its State railways. So does Walter T. Dunmore, professor of law at Western Reserve University, Cleveland, in a prize essay on Ship Subsidies, published in 1907. I have not had time to look up further authorities, but I think these should be sufficient to satisfy the gentleman from South Carolina, who said that the statement that Germany gave preferential railway rates to aid its shipping had not been authoritatively stated during the consideration of the shipping bill in committee.

Mr. Chairman, I believe that I have approached the question of building up the American merchant marine with an open mind. I am not committed to subsidy or any other plan, but I would favor any plan that I believe would help give this country sufficient ships to carry its goods to all quarters of the earth. I do not pretend to be an expert on this question.

But I do believe that this Government should help and not hinder the development of an American merchant marine. Whether or not the German merchant marine has been built up because of subsidies, I think we will all admit that the German Government has cooperated in every means in its power to aid its shipping, and I think this Government might learn a lesson from Germany in that respect. I believe that the proposed shipping bill will place the United States Government in competition with private vessel owners and not provide for desired Government cooperation.

I firmly believe that the Government must cooperate with all legitimate industries in order to maintain the national prosperity. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BENNET. Mr. Chairman. I move to amend the bill by inserting, after the word "carrier," in line 4, page 2, the words "except ferryboats running on regular routes."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, after the word "carrier," insert the words "except ferryboats running on regular routes."

Mr. SAUNDERS. Mr. Chairman, I make the point of order against that amendment that it presents the same proposition that we have already voted on.

Mr. BENNET. If the Chair will look to the precedents, he will find that it is for the committee and not the Chair to say, even if there is a change of as much as one word.

Mr. SAUNDERS. Oh, no. Of course if it is a different amendment, it will be in order. The Chair, must go into that, and if there is any doubt that the propositions submitted are different, then the proposition last submitted will be in order. But if the two amendments, though differently worded, present the identical proposition, and it is perfectly palpable to the Chair that such is the case, then the second amendment will be out of order. I submit that this is precisely the same amendment, not couched in the same language, but in effect the same proposition. The principle to be relied on for the Chair's decision is the one of finality of action.

Mr. BENNET. Mr. Chairman, this precise point was ruled upon by Speaker James G. Blaine in this House, and if the Chair will look he will find the ruling in the small book. It was made by Speaker Blaine, who was a good parliamentarian. He says that the change of a single word made the new amendment admissible. Non constat, but the change of a single word made the difference being acceptable or rejected.

The CHAIRMAN. The Chair is familiar with that ruling. The Chair thinks the reason Mr. Speaker Blaine ruled that way was that on account of the particular language submitted at that time there was a possibility of there being a different meaning attached to the subsequent amendment from that which was attached to the first amendment. The Chair thinks certainly that was the view of Mr. Speaker Blaine. The Chair thinks it is clear to a man of good ordinary common sense that if the Chair can see that a second amendment is not capable of any other construction than that which would be given to the first amendment that it would be a waste of time to consider it, and for that reason the Chair will sustain the point of order.

Mr. BENNET. Mr. Chairman, rather than have the Chair make that ruling and overturning all other rulings for 100 years, I withdraw the amendment.

Mr. SAUNDERS. The gentleman can not withdraw the amendment. The Chair has ruled on it, and sustained the point of order. I will say however, if the Chair will permit me, that the ruling of the Chair is absolutely correct, otherwise this result would follow. A Member might be defeated on an amendment, and dropping out an immaterial word, offer it again, then if defeated, drop out another immaterial word, offer it once more and in perpetuum. A sentence can be verbally recast so as to leave the meaning precisely the same. Such a verbal change would leave the proposition precisely the same. I do not suppose that the gentleman from New York will contend that there is any difference of meaning between the present amendment, and the one submitted and voted on a few minutes ago.

The CHAIRMAN. There is no doubt that Speaker Blaine was one of the greatest parliamentarians that ever presided over the House. As far as his rulings have been examined by the present occupant of the chair they always seemed to go to the substance, and not to the technical form. The present occupant of the chair is following that principle and wise practice now.

Mr. BENNET. I will point out a distinction between the two amendments right now. In the amendment as to the word "possession," on line 9, there was a provision limiting it specifically in connection with this act. As it is here it excepts ferryboats running on regular routes. I will admit that the same thing is sought to be reached by both amendments. The vote was very close, and I can not say but some one was so moved by the inclusion of the particular words in that amendment that are not in this amendment. Does not the Chair see what danger the Chair is getting in; it puts it in the power of any man who occupies the chair of saying to a member of the Committee of the Whole, if this amendment is the same as another amendment which has been offered, look at the power it puts in his hands.

The CHAIRMAN. Not at all; the power of appeal always lies.

Mr. BENNET. No doubt about that; but that power gentlemen hate to exercise.

The CHAIRMAN. The gentleman need have no delicacy as to the present occupant of the chair.

Mr. BENNET. No; but it is rarely exercised.

Mr. TOWNER. Mr. Chairman, I want to make a remark or two on this proposition. I entirely agree with the gentleman from New York in his position, and I am compelled to disagree with the gentleman from Virginia [Mr. SAUNDERS], whose opinion I value very highly, and with the Chair, because of this fact, which has been adverted to by the gentleman from New York. It is entirely within not only the possibilities but the probabilities that many men would vote against the amendment offered in an inappropriate place that might vote for it if offered in an appropriate place. This question is before the Chair, and it seems to me a very important question. Here is an amendment offered in one place in the paragraph that has been voted down by a very close vote. The same gentleman offers substantially the same amendment at another point in the paragraph, and the Chair rules that it is the same amendment that was offered before. It occurs to me that that is an exceedingly dangerous proposition, as the gentleman from New York says. It is not the same amendment. If that be true, the gentleman could not offer the same amendment in substance to another paragraph in this bill to effect the same purpose.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. TOWNER. I should be very glad to.

The CHAIRMAN. On this specific matter would there be the slightest difference in construction if the amendment now proposed be adopted from what would have been if the amendment proposed a few moments ago had been adopted?

Mr. TOWNER. I will say frankly to the Chair, I think not. The CHAIRMAN. Is not the Chair supposed to, at least, in this matter, use a little of his legal knowledge? Is it not a matter of good plain common sense?

Mr. TOWNER. I will say to the Chair, certainly, but that does not meet the objection. I am inclined to think that the Chair has in mind the fact that this is a dilatory amendment. If that objection had been made, the Chairman might have been justified in his position. But I am urging upon the Chair the consideration of this proposition—that an amendment may be perfectly appropriate in one place in the bill or paragraph and improper in another point. Members might support an amendment if it was in another part of the bill even though they had voted against it in some other part of the bill, deeming it improper. Perhaps it is in the Chair's mind that it might be offered time and time again, and be dilatory. Now, if it is subject to that objection, the Chair should consider it; but that objection is not made, and the Chairman should not decide against a proper consideration of this amendment because it is dilatory when another reason and another objection has been assigned.

The CHAIRMAN. The question of the amendment being dilatory was not in the mind of the Chair the Chair will state. The Chair was simply following the wise rule which provides that an amendment which has once been passed upon shall not be again in order and again be submitted. It is a well-recognized principle of parliamentary law, as the Chair understands it. The Chair may be wrong. Of course the Chair would regret very much to be wrong, but the Chair, relying upon reason and common sense, will take the chances and sustain the point of order.

Mr. BENNET. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. TOWNER. Before that is done I am going to ask unanimous consent to allow the gentleman from New York to withdraw his amendment. He has asked to do it, and it occurs to me that would be better than to have, at least, this questionable precedent established, and it will relieve the House and the Chairman and everybody else from any embarrassment. I ask unanimous consent that the gentleman from New York may have the right to withdraw his amendment.

Mr. COX. Mr. Chairman, I object.

Mr. OGLESBY. Mr. Chairman, before the gentleman objects I wish he would give me an opportunity to make a statement in regard to it. I should like to join with the gentleman in asking unanimous consent. I believe my colleague has endeavored earnestly—

Mr. COX. Mr. Chairman, I object.

Mr. BENNET. May I read to the Chair from page 192 of Jefferson's Manual, section 459:

It is for the House rather than the Speaker to decide on the legislative effect of a proposition. (Hinds' Precedents, vol. 2, par. 1323-24.) The change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House.

Now, if the Chair desires to overrule the holdings which have been unchanged, I have no recourse, as the Chair has reminded me, except to appeal from the decision; but I do not think the Chair would do it if the Chair gave it consideration.

Mr. SAUNDERS. If the Chair would like to hear a precedent which supports his ruling, I will be very glad to submit it.

The CHAIRMAN. Without objection, the gentleman can insert them. The Chair, of course, did not have these decisions within his reach. The Chair has read the decisions to which the gentleman referred—many of them. The Chair has been following the principles which they announce; and gentlemen will give the Chair credit for always trying to be fair about these matters respecting a correct ruling. The Chair has in mind the general principle.

Mr. SAUNDERS. I will submit a precedent sustaining the Chair, if the gentleman from New York has concluded.

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York appeals from the decision of the Chair.

Mr. BENNET. I will ask unanimous consent that the gentleman from Virginia may read the precedents which, he says, sustain his contention.

Mr. SAUNDERS. Mr. Chairman, the Chair correctly interpreted the ruling of the Speaker referred to (Speaker Blaine). The Speaker, in the course of his ruling, did say that the addition of a word would make a difference, but he had in mind a difference in meaning, not a difference in phrasing. The Chairman must interpret this precedent just as a court would interpret a precedent from another court. He must apply the rule of reason. Permit me to read to the Chair from Hinds' Precedents the resolution which was voted on, and then the resolution that was offered and held to be in order by the Speaker. The Chair

will note how entirely the proposition of the one amendment differs from the proposition contained in the second amendment. (Hinds, sec. 1274.)

The CHAIRMAN. The committee will be in order. The committee will be called upon in a few moments to pass upon a question of parliamentary law, which is a question in which there is no partisanship involved, but a question of parliamentary interpretation, and the Chair would be especially pleased if Members would listen to the argument upon this matter in order that they may pass upon the question intelligently.

Mr. SAUNDERS. I would not take up the time of the committee to read this matter, if it was not essential to a proper understanding of the merits of the point of order:

On March 16, 1870, Mr. William L. Stoughton, of Michigan, as a question of privilege, submitted a report of the Committee on Military Affairs, recommending the adoption of the following resolution:

"Resolved, That the House declares its condemnation of the action of Hon. Roderick R. Butler, Representative from the first district of Tennessee, in nominating Augustus C. Tyler, who is not an actual resident of his district, as a cadet at the Military Academy at West Point, and in subsequently receiving money from the father of said cadet for political purposes in Tennessee, as an unauthorized and dangerous practice."

The minority presented its views as follows:

Resolved, That Roderick R. Butler, a Representative in Congress from the first congressional district of Tennessee, be, and he is hereby, expelled from his seat as a Member of this House.

When the resolution recommended by the majority came up for consideration, Mr. John A. Logan, of Illinois, moved to amend by substituting the minority resolution. This amendment was agreed to—yeas 101, nays 68—a majority vote.

The amendment having been agreed to, the question recurred on agreeing to the resolution as amended, which had thereby become a resolution of expulsion.

The Speaker stated that under the Constitution a two-thirds vote would be required.

There were yeas 102, nays 68—not a two-thirds vote—and the resolution was rejected.

Mr. Stoughton then offered a resolution which was the resolution originally reported by the majority of the committee, with the addition of these words: "and he is hereby censured therefor."

Mr. Thomas W. Ferry, of Michigan, made the point of order that the House, upon the proposition of censuring the Member or expelling him, both ideas being separately before the House, had by a majority vote chosen expulsion and rejected censure, failing to finally carry the former by a two-thirds vote. This resolution was therefore not substantially a different proposition.

The Speaker said:

"The Chair overrules the point of order. The gentleman might not be able to offer the resolution in precisely the same words, but this is a different resolution, differently worded, and it is a question of privilege, and is in order at any time." The difference of a single word would bring it within the rule of the House."

The resolution offered was a different resolution, different in substance, as everyone who reads it will admit. The difference of a single word would bring it within the rules of the House, not necessarily the addition of a single word, but the difference of a single word, that is, the addition of a single word or the excision of a single word thereby making a difference in meaning, and presenting a new proposition. If a resolution is offered, and voted down, and another resolution is offered of a different character, however slight that difference may be, I agree that this will be a new resolution within the meaning of this ruling, and in order. But it makes no difference what the wording may be, if the same thought that was presented in the first amendment and voted down, is plainly, palpably, and manifestly presented in the second amendment, then that latter amendment is not in order. If I should move that a bill should be postponed until day after to-morrow, and the resolution be lost, it would not be in order for me thereupon to move that consideration of the same bill should be postponed to Thursday of the week, when Thursday of the week and the day after to-morrow would be one and the same day. When it is admitted, and it is admitted, that the two amendments of the gentleman from New York present the same proposition, the second amendment falls within the principle of finality of action in a parliamentary body, and the first action taken, stands as the judgment of the House, unless it is reconsidered.

There are two principles that the presiding officer must have in mind in this connection. His ruling on the question presented is in harmony with both principles.

Mr. TOWNER. Will the gentleman yield before he takes his seat?

Mr. SAUNDERS. Yes; certainly.

Mr. TOWNER. The gentleman will concede, will he not, that an amendment offered at one place might be improper at another?

Mr. SAUNDERS. Certainly.

Mr. TOWNER. Is there any precedent that has been reported, of which the gentleman has any knowledge, in which the point has been raised, that an amendment offered at one place, if it had been overruled or if it had been voted down at another, was not in order?



Mr. SAUNDERS. But that suggestion is not pertinent to the present situation. An amendment offered under one set of conditions might fail, while it might succeed if offered under other and different conditions, but this has nothing to do with the question ruled on by the Chair, or the principles and precedents that support that ruling.

Mr. TOWNER. You are giving consideration only to the fact that when there is a difference in the language the same amendment can not be offered in the same place.

Mr. SAUNDERS. I will admit that. An amendment may be in order in one connection, and out of order in another, but the point of order must be made. No point of order was made that the first amendment was out of order when it was offered. Hence it was in order. We are confronted with the substantial proposition that whenever the House, or the committee has taken action on a proposition, the same proposition, whatever the phrasing may be, can not be presented again, if objection is made. Mr. Chairman, I am not presenting this question, merely as the result of cursory or hasty investigation. It is a question that I have heretofore had to examine, and relate to a fundamental principle, with a view to an ultimate ruling.

Mr. BENNET. Will the gentleman yield to a question?

Mr. SAUNDERS. Yes.

Mr. BENNET. Can the gentleman cite the Chair and the committee any precedent sustaining what he said? He cited Mr. Blaine's ruling, which I cited first.

Mr. SAUNDERS. Yes. The ruling just read sustains my attitude. I will say, in addition, that there is plenty of other authority.

Mr. BENNET. I would like to see some of it.

Mr. SAUNDERS. I will produce it, if time is given.

The CHAIRMAN. Let the Chair state this, if he may: If the Chair could have seen that there was a possibility of a construction to be placed upon the last amendment which could not have been placed upon the first amendment, he would not have hesitated to have overruled the point of order; but the Chair could not see that. It is admitted by everybody that there was no difference, and the Chair therefore applied the other principle that there ought to be a finality at some time.

Mr. TOWNER. I admit that the supposition of the Chair is well taken, and I am inclined to think that I would agree with the gentleman from Virginia [Mr. SAUNDERS] about his position. It occurs to me that a mere change of phraseology would not be sufficient if the same amendment was offered to the same language in the same paragraph. I am inclined to think that the Chair would be justified in his ruling under such circumstances. But, Mr. Chairman, I insist that you have before you an entirely different proposition, for which you have no authority whatever, that the committee having once decided against an amendment offered at one point in the bill it has no right to pass upon it at another point.

Mr. OGLESBY. Does the gentleman think there would have been any difference in the effect of the amendment adopted where it was originally offered than if adopted at the point where it is now offered?

Mr. TOWNER. I will confess to the gentleman I do not think so. That is not the point I am making. I will listen to the suggestion of the Chair.

The CHAIRMAN. The gentleman from New York [Mr. OGLESBY] expressed what the Chair had in mind. Why is the question of place important here in the particular facts we have before us? The question of place would be quite within the realm of possibility if an amendment would be offered to a section and held out of order as not being germane to that section, but would be held as being germane to another section. But why is it important under the proposition we have before us?

Mr. TOWNER. Mr. Chairman, we must not lose sight of the real proposition. The question of germaneness does not enter into the consideration of this question.

The CHAIRMAN. It does not. The question of germaneness does not enter into this proposition.

Mr. TOWNER. Certainly not in this case, and therefore I want to urge upon the Chair and upon the House that it ought not to influence the determination of the question now before us.

The CHAIRMAN. The Chair concedes that it ought not.

Mr. TOWNER. I am urging upon the Chair and upon the committee this proposition, and it seems to me it is conclusive: That a vote of the committee against an amendment in one place does not preclude its consideration in another place. I have never read any precedent against it, and I have never heard of any ruling of the Chair against it. It certainly would establish a new and dangerous precedent for the Chair to hold that an

amendment once offered and voted down could not be offered at any other point in the bill and could not be placed thus before the committee for consideration.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SAUNDERS. I think I catch very fully the point the gentleman is making, but it is all offered to the same section.

Mr. TOWNER. I think the argument applies as well to the same section as to different sections of the bill. Let me urge this thought upon the gentleman, because I value his judgment as highly as I do that of any other Member of this House, because I know of his long experience and of his entire fairness in the consideration of these questions. Let me suggest to the gentleman this proposition: It might be urged by the Member who offered an amendment at one point in the paragraph that it should be taken into consideration because it was properly there, but upon argument before the House the House might take a different opinion and vote it down, not on its merits but because improperly placed. In the consideration of that question it might be developed that it might properly be considered at another point in that same section.

The gentleman from Virginia knows how often that is done, and this would be a precedent to say that because the gentleman had offered it at an improper point he could not offer it at a proper point in the paragraph.

Mr. SAUNDERS. I see the gentleman's point. I do not think that would follow from the ruling. What determines the question of whether it must be in order or not as to an amendment to a section? If anyone fails to raise the question at the proper time, that establishes the order of your amendment, whatever it may be. I do not concede that it is out of order in the other place, but if there is any question about that, and the question was raised, what would be the determining point in the solution of that question?

Mr. TOWNER. The question would not be decided as to whether it would be properly in order at one place or another. That is a question for the committee to determine. But here is a proposition which, in my judgment, is a dangerous precedent for consideration.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BURNETT. Then, according to the argument of the gentleman, the same amendment might be offered a hundred times if it is germane.

Mr. TOWNER. Oh, no. My friend from Alabama loses sight of the fact that the objection that it is dilatory might be made at any time. Of course, amendments so offered would be apparently dilatory.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DUPRE having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 15, 1916:

H. R. 3575. An act to amend section 5234 of the Revised Statutes of the United States so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town.

On May 16, 1916:

H. R. 6099. An act to amend section 72 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

On May 18, 1916:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;

H. R. 562. An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes; and

H. R. 10385. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

#### UNITED STATES SHIPPING BOARD.

The committee resumed its session.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. What is before the committee now?

The CHAIRMAN. An appeal from the decision of the Chair, as to whether the decision of the Chair shall stand as the judgment of the committee.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the amendment may be withdrawn.

Mr. ALEXANDER. I hope there will be no objection on this side of the House.

Mr. BENNET. That vacates the ruling, as I understand it? The CHAIRMAN. Yes. The gentleman from New York [Mr. BENNET] asks unanimous consent that the amendment be withdrawn. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 2, line 16, after the word "lighterage," strike out "wharfage, dock, warehouse, or other terminal facilities."

Mr. BENNET. Mr. Chairman, about 10 days ago we passed in the Agricultural appropriation bill a provision placing wharfage, dock, warehouse, and other terminal facilities—that is, those terminal facilities that can contain grain, flax, or tobacco—under the jurisdiction of the Department of Agriculture.

Mr. BLACK. Mr. Chairman, will the gentleman yield right there for just a minute?

Mr. BENNET. Yes.

Mr. BLACK. Is it not true that the warehouse amendment to the Agricultural bill only provided that warehouses could be licensed for this purpose?

Mr. BENNET. If the gentleman will read that bill carefully, he will find that powers are conferred upon the Department of Agriculture to make rules and regulations in connection with licenses. So here is the situation in regard to warehouses: Of course, no one has to go into the Federal warehouse system, if he does not want to. I suppose the idea is that as many will go into that system as possible. Now, the man who goes into the Federal warehouse system has to face this: In the first place, if he has any rail or other connection with a railroad he is under the Interstate Commerce Commission. If he goes into the Federal warehouse system, he is under the Department of Agriculture. If this bill passes, he is under the shipping board. In other words, except for the provision of section 33, on page 36, which introduces an element of doubt, he is under three different systems of Federal inspection, besides the State system.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Is it not true that he certainly would not be under the inspection of the warehouse system unless he voluntarily places himself under it?

Mr. BENNET. Yes.

Mr. BYRNES of South Carolina. Then what complaint has the gentleman to make?

Mr. BENNET. My complaint is this: I presume the intention of that bill is to encourage the warehouseman to go into that system. Then inside of two weeks we turn around and discourage him.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield at that point?

Mr. BENNET. Yes.

Mr. ALEXANDER. This bill says:

The term "other person subject to this act" means any person not included in the term "common carrier by water," carrying on the business of forwarding, ferrying, towing, or furnishing transfer, lighterage, wharfage, dock, warehouse, or other terminal facilities in or in connection with a common carrier by water.

Now, nearly two years or more ago, in fact since we investigated the steamship combination, I recall this circumstance, that the shippers of naval stores from the South to New York, firms engaged in that business, complained that while they got the same rate on the steamships bringing the naval stores to New York, there was a discrimination in the lighterage charges. They complained of that condition. Hence, if this board effectually regulates water carriers, it must also have supervision of all those incidental facilities connected with the main carriers. And mind you, when you read the provisions of this bill, it only provides that there shall not be unjust discrimination between shippers. And while this provision is very broad in its terms, I am very sure when you come to consider the section of the bill relating to the regulation of water carriers, there is not one of them that would not have applied to these terminal facilities for the reason I state.

Mr. BENNET. I would like to say to the chairman of the committee—to give a specific instance of what can be done under this bill—that the city of New York itself has spent \$115,000,000 to construct wharves and warehouses which stretch along

its water front for 79 miles. Under a subsequent provision of this bill, if it is not amended, any officer of the Government of the United States can go to the dock commissioner of the city of New York and compel him to make a report, not only in connection with the transportation and shipping business but in connection with anything relating to the business of the dock department of the city of New York, to that Government official.

Mr. COX. In what section will that authority be found?

Mr. BENNET. I can not put my hand on it just for the moment. It is here. I have a memorandum to move to strike it out when we get to it.

Mr. COX. It is one of the sections included in the substitute which the gentleman offered this morning for this entire bill, is it not?

Mr. BENNET. Unquestionably.

Mr. COX. And the gentleman voted for it this morning, did he not?

Mr. BENNET. Unquestionably, and as the gentleman will remember, I said this morning that I thought this question of socialism versus old-time doctrine was so important and grave that we could afford to overlook a good many things that we did not like. I think that is basic, and that is the reason I voted for the substitute containing a good many things that I did not like.

Mr. HUMPHREY of Washington. I would like to ask a question or two in regard to the provision which the gentleman from New York [Mr. BENNET] has just been talking about. Is it the purpose of that provision to place the municipal docks of this country under the control of this board? The gentleman probably knows what I have in mind. At many of the cities upon the Pacific coast we have great municipal docks. We have them at Los Angeles, at San Francisco, and at Seattle, which represent many millions of dollars. I think probably the value of the wharves at Seattle is \$8,000,000 or \$10,000,000. Now, is it proposed to take the control and regulation of those wharves away from the city authorities and place it under the control of this board?

Mr. ALEXANDER. Just to this extent: It is true they have municipal docks at Seattle which cost many millions of dollars—

Mr. HUMPHREY of Washington. They have them at other cities on the coast, too.

Mr. ALEXANDER. The steamship companies refuse to use those docks and compel shippers to use the docks of private parties, and I have had voluminous correspondence with the commissioner in charge of those docks, complaining of that condition and wanting them brought under governmental control.

Mr. HUMPHREY of Washington. I did not yield for that purpose, but I want to take occasion right here to dispute that statement as not true.

Mr. ALEXANDER. I have the correspondence.

Mr. HUMPHREY of Washington. I know what the gentleman has. I have read the correspondence. I know who sent the correspondence, and I repeat that the statement made by the gentleman who sent you that letter is not true; and when you refer to what occurred in my own city, and when I know the men who wrote the letters, I think I am in a position to state that it is not correct.

Mr. ALEXANDER. That correspondence was with the Department of Commerce, and the letters referred to me were from the representatives of the—

Mr. HUMPHREY of Washington. I know who wrote them. It was from Commissioner Bridges.

Mr. ALEXANDER. Yes; it was from Commissioner Bridges.

Mr. HUMPHREY of Washington. A gentleman whom I have known for a great many years. He has been my friend for 25 years, but he never was right upon a public question in his life—never. [Laughter.] He is one of those most excellent men, as I say, my personal friend, but he can see more ghosts and more things where they do not exist than any man with whom I have ever had the pleasure of being acquainted. Now, that does not answer the question that I was asking. What I was asking was whether it was the intention of this provision in the bill to take away the control of these municipal wharves from the cities which constructed them.

Mr. ALEXANDER. Not at all; only to prevent unjust discrimination between shippers. If they do exercise such discrimination, there is no reason why they should not be amenable to the law as well as a private person.

Mr. HUMPHREY of Washington. Not at all. If the gentleman had answered that in the first place, we would have been through long ago. That was the information I sought when I first got up.



The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to amend the bill by inserting, after the word "carrier," in line 4, page 2, the words "except ferryboats."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 2, by inserting, after the word "carrier," in line 4, the words "except ferryboats."

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. OGLESBY. As far as the territory which the gentleman and I try to represent in part is concerned—

Mr. BENNET. And as far as the gentleman is concerned, he succeeds in representing it.

Mr. OGLESBY. I understand that all those ferries except the municipal ferry are operated in connection with the railroads, and that they are under the jurisdiction of the Interstate Commerce Commission, and this bill would not put them under the jurisdiction of this board. The municipal ferry is operated between points in the same State.

Mr. BENNET. Is that a question?

Mr. OGLESBY. Now, in view of that situation, I would just like to know what special reason there would be for the gentleman's amendment? Of course, I have no desire to take any action that will not aid in keeping New York City from being unnecessarily embarrassed.

Mr. BENNET. Mr. Chairman, in the gentleman's district up at Clason Point there is a ferry, a little bit south another ferry, at One hundred and thirty-eighth Street another ferry, at Ninety-ninth Street another ferry, at Forty-second Street another ferry, at Twenty-third Street another ferry, at Grand Street another ferry, and the South Ferry, in addition to the municipally operated ferry; there are at least four I can think of. There are seven or eight ferries coming to my mind at once that would not come under the Interstate Commerce Commission, but would come under this law.

Mr. OGLESBY. But they ply between points in the same State.

Mr. BENNET. Yes; that is covered, as the gentleman will find, later in the bill. I would like to ask the gentleman from Missouri, having accepted an amendment which excepts ferryboats running between this country and Canada, why in the world should we impose the burdens, such as they are, of regulations, and so forth, upon the ferries running across the rivers and bays and smaller arms of the sea in our own country? In our city are 25 per cent of all the ferries of the United States.

Mr. SAUNDERS. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SAUNDERS. Did I understand the gentleman to say in response to his colleague that the ferries run between points in the same State?

Mr. BENNET. Yes.

Mr. SAUNDERS. They are not covered in this bill. We expressly exclude intrastate commerce.

Mr. BENNET. I know that, in relation to the commerce, but as to the ships they are not excepted, and there is a provision in your bill later expressly covering them, which I will call attention to when we reach it. I repeat, What earthly purpose can be served by putting ferryboats in this bill and subjecting the people in the cities which none of you gentlemen represent to this annoyance?

Mr. ALEXANDER. The provisions of the bill do not apply to the boats the gentleman refers to. That is the best answer to his statement.

Mr. BENNET. Now, may I ask the gentleman a question?

Mr. ALEXANDER. Yes.

Mr. BENNET. The gentleman having accepted an amendment which was inserted after the word "carrier," line 5, page 1, running on the regular routes, why is not the amendment I am seeking to get in the same principle in relation to vessels running not between foreign countries?

Mr. ALEXANDER. Because they are all excluded, and when we come to the consideration of the bill, as I hope we may some time, section by section, if the gentleman can find any section where it would apply to the ferryboats he speaks of we will consider it.

Mr. BENNET. Does not it apply to ferryboats on the Hudson River between New York and New Jersey?

Mr. SAUNDERS. We have voted on that once.

Mr. BENNET. The amendment before the House is "except ferryboats," and it is in connection with the definition of common carrier by water, and why you should keep these ferryboats in the bill I can not understand.

Mr. SAUNDERS. I tried to get an understanding of the question by asking if the boats the gentleman referred to plied between the points in his own State, and he said they did. I called attention to the fact that the bill does not apply to such boats. Now, if he is bringing in boats that ply between State and State we have already voted on that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BENNET) there were 36 ayes and 41 noes.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, strike out lines 19 to 22, inclusive.

Mr. BENNET. Mr. Chairman, this, of course, is covered by decisions and statutes; but there is a distinct danger in attempting to put a definition in the bill where it has already been defined by court decision. I undertake to say that the word "person" has been defined by the courts in the United States and several States more than five hundred times. What do you do? If you do not happen to have made as full a definition as some court has, you limit the court. It is useless, simply burdens up the act, and in addition contains a real danger, because, as every lawyer knows, the assertion of one is the exclusion of others; and if, for the purposes of this act when used in this act, you have not made the definition as broad as some court has made it, you will simply limit the court.

Mr. HARDY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HARDY. When this question came up it was asked if there was any statute in the United States defining the word "person," and, I believe, it was generally conceded that perhaps there were none; and, to cover the chance that there might not be such a general definition in the Federal statutes, we put it in.

Mr. BENNET. The gentleman does not mean to say that there is no statute definition of the word "person"?

Mr. HARDY. I doubt if there is any, including the definition that we give here.

Mr. BENNET. Corporations and members of partnerships are indicted in every district in the United States on statutory definition.

Mr. SAUNDERS. That may be as to that particular offense. Is this or not a correct definition?

Mr. BENNET. So far as I am concerned I am not as competent to decide that question as the gentleman from Virginia.

Mr. SAUNDERS. Can the gentleman think of anybody who ought to be brought in that this does not bring in? If he does, let him tell us and we will bring him in.

Mr. TOWNER. Mr. Chairman, I think this applies only to persons referred to in this bill. I think it is perfectly proper for it to define the word "person" as used in this bill, because that is for the assistance of the court. Courts very often have difficulty in determining the definition of words. And in doing that we have to ascertain the meaning that was intended by the legislature, so all of these definitions given in this bill are definitions that are intended to be conveyed and those words are used in the bill and it certainly seems to me it is perfectly proper for the committee to have defined them in that way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 2. That within the meaning of this act no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof.

The provisions of this act shall apply to receivers and trustees of all persons to whom the act applies.

Mr. GREEN of Iowa. Mr. Chairman, I rise simply for the purpose of asking the chairman of the committee a few questions. I would like to inquire whether in the formation of the bill and considering this general subject of the creation of an American merchant marine the committee considered the question of discriminating duties in that connection?

Mr. ALEXANDER. Whether we studied that question or not?

Mr. GREEN of Iowa. Whether that question was before the committee, whether an American merchant marine could not be built up in that way instead of the one proposed by the bill.

Mr. ALEXANDER. That question has not been considered by the committee in this Congress. Myself and the gentleman from Washington [Mr. HUMPHREY] and other Members have given it very serious consideration in other Congresses.

Mr. GREEN of Iowa. Well, I suppose so. Now, will the gentleman state the objection to it?

Mr. ALEXANDER. The gentleman knows the Republican Party in their national platform of 1896 declared in favor of discriminating duties as a method of building up the American merchant marine.

Mr. GREEN of Iowa. Yes; that is one reason I ask these questions. I want to know why the committee did not give that any consideration and did not take up that method. The gentleman surely has some reason in his mind.

Mr. ALEXANDER. I introduced a bill in the last Congress, which I think was a good bill, providing for discriminating duties, and personally I was disposed to give it a trial. It was a question, however, what other nations might do in the way of retaliation to nullify the effect of a law of that sort, and if the gentleman will come to my office I will show him tables of the imports and exports to and from our own country to Europe and other foreign countries, and we might sit down and figure out whether the benefits would be greater than the disadvantages of invoking such a system. If I thought it would do the work, I would be in favor of it.

Mr. GREEN of Iowa. I was about to discuss this plan not at this particular moment, but I expect to discuss it in connection with the bill, and I desired to get the reasons the gentleman has had in mind; but apparently the committee never considered the question of discriminating duties at all in the formation of the bill.

Mr. ALEXANDER. Not in this Congress; no.

Mr. HARDY. Will the gentleman permit a suggestion?

Mr. GREEN of Iowa. With pleasure.

Mr. HARDY. On the question of discriminating duties, before the gentleman discusses it very far, he ought to read the debates which took place from 1815 to 1828 on the question of discriminating duties in the Congress of the United States. They are extremely illuminating.

Mr. GREEN of Iowa. I have read a great many of them, but I do not know that I have read them all, and I doubt whether the gentleman has.

Mr. HARDY. I will tell the gentleman one thing they did show. All parties from 1815 to 1828 united in an earnest, strenuous effort to secure the repeal of all discriminating duties proposed or provided by other Governments, and—

Mr. GREEN of Iowa. And as the result the American marine disappeared from the ocean.

Mr. HARDY. On the contrary, the result from 1828, when the last discriminatory duty act was repealed, to 1860, our merchant marine was the finest on earth.

Mr. GREEN of Iowa. Oh, no; not at those dates, but later on.

Mr. HARDY. I think if the gentleman will look into the record he will find from 1828 our merchant marine still prospered, and continued to prosper to 1860, when the war broke out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I would like to have one minute further.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Assuming the gentleman is correct. I expect to show when I take up this subject further that by reason of the passage of this act of 1828 and the effect of the conventions which were subsequently entered into under the act of 1828—

Mr. HARDY. If the gentleman will pardon me, many of those conventions were entered into just after 1815. All the countries of the world had already gone into a friendly agreement with us to abolish these discriminating duties except England, which hung out to the last.

Mr. GREEN of Iowa. I am aware of that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, and I call the attention of the gentleman from Virginia to this. The gentleman from Virginia asked me if I could suggest any improvement in his definition. I hold in my hand the Revised Statutes, and I desire to say I think I can, because if these framers of the Revised Statutes were right the gentleman could never convict a natural person. When the framers of the

Revised Statutes had the question before them they provided as follows:

The word "person" may be extended to or applied to partnerships and corporations.

Of course this is an artificial definition, and in a penal statute a man who is indicted, a natural person, could plead that he was not a person, not being a partnership, corporation, or association. I will ask the gentleman from Virginia [Mr. SAUNDERS], in the interest of certainty, whether he does not think it would be a good idea to adopt the wording of the Revised Statutes, which is "the word person may extend and be applied to"?

Mr. SAUNDERS. I do not think it at all necessary; but I will say, in deference to the gentleman, that I shall not have any objection to accepting it.

Mr. BENNET. Mr. Chairman, I ask unanimous consent—

Mr. SAUNDERS. I would advise that the gentleman address that to the chairman of the committee. There is no difference in the world. It is only the difference between tweedledum and tweedledee.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that on line 19 the language may be changed by striking out the word "includes," on page 2, and inserting in lieu thereof the words "may extend and be applied to."

Mr. HARDY. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] asks unanimous consent to return to the last paragraph of section 1 for the purpose of offering an amendment. Is there objection?

Mr. HARDY. I object.

The CHAIRMAN. The Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 3, line 7, after the word "applies," insert "and to the successors or assignees of such person."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ALEXANDER. Will the Clerk please read it again?

The CHAIRMAN. The Clerk will read the amendment.

The amendment was again reported.

Mr. ALEXANDER. Mr. Chairman, I accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That a board is hereby created, to be known as the United States shipping board, and hereinafter referred to as the board. The board shall be composed of the Secretary of the Navy and the Secretary of Commerce, as members ex officio, and five commissioners, to be appointed by the President, by and with the advice and consent of the Senate; one of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

The first commissioners appointed shall continue in office for terms of two, three, four, five, and six years, respectively, from the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds.

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and to a fair representation of the geographical divisions of the country. Not more than three of the commissioners shall be appointed from the same political party. No commissioner shall be in the employ of or hold any official relation to any common carrier by water or other person subject to this act, or own any stocks or bonds thereof, or be pecuniarily interested therein. No commissioner shall actively engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the board shall not impair the right of the remaining members of the board to exercise all its powers. The board shall have an official seal, which shall be judicially noticed.

The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

Mr. HADLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 10, after the word "of," strike out the remainder of line 10 and all of line 11 and the first two words in line 12.

Mr. HADLEY. Mr. Chairman, the effect of the amendment just submitted is to eliminate from the membership of the board the Secretary of the Navy and the Secretary of Commerce. That would make the section read:

The board shall be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate.

Now, I submit to the committee that this amendment raises a definite question of policy that is well worthy of serious consideration. I personally do not believe in confounding the func-



tions of the Federal departments, the duties of Cabinet officers with the administrative functions of mere administrative boards. The only argument which I have heard advanced in support of the provision as it stands is to the effect that the subject matter so far as the Navy Department is concerned is related to the duties of the board, and that the same would apply to the Department of Commerce in respect to the Bureau of Navigation and the Bureau of Inspection.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. MOORE of Pennsylvania. Was not the Secretary of the Treasury included in the first bill as a member of the board?

Mr. HADLEY. I think not in this bill.

Mr. MOORE of Pennsylvania. In the bill we had before us in the last session.

Mr. HADLEY. I was not a Member last year and I am not advised as to that.

Mr. MOORE of Pennsylvania. I think I can say that the Secretary of the Treasury was included in the board at that time. I want to ask the gentleman why he was cut out of this bill?

Mr. HADLEY. I will refer that question to some gentleman who was a Member of the Sixty-third Congress. At all events, an inspection of this bill, which we have but inadequately had yet, will disclose many functions and duties administrative in their nature, which in the nature of things members of the Cabinet never could participate in. I think it is unwise to confer powers upon a member of a board which it will be impossible for the member to perform. It is manifest that such duties as are conferred here, particularly as to the regulatory powers of the board, and as to the operation of the vessels through a corporation which the board will control and manage, and so far as the stock interest is concerned, could not be discharged by Cabinet officers as they ought to be discharged.

Now, the information and knowledge that is in the possession of the department would always be, I take it, accessible to the membership of the board. I think the strongest argument that can be made against the membership of Cabinet officers on this board is the fact that there are certain functions to be performed which are germane to matters that pertain to the departments, and yet ought to be segregated, because it puts the officer in the position somewhat of a judicial officer sitting upon his own affairs; for instance, the Department of Commerce, through the Bureau of Navigation and Inspection. Its regulation and rules, made and administered there, ought not to be the subject of consideration by the Cabinet officer as a member of the board, but ought to be determined and interpreted by those who are entirely independent of the department. Furthermore, this raises the question of political consideration, and I speak entirely in an impersonal way and without any thought of political consideration. This is to be a continuing board, to run with the years. We ought to have a shipping board, and I am in favor of the creation of a shipping board. We ought to have one that will not be in any way shadowed with the suspicion of political control in the minds of the people of the country. I do not believe you can divorce that thought from the public mind if you constitute the board so that the voting power preponderates politically, as you provide in this case.

Now, there is another provision—

The CHAIRMAN (Mr. DUPRE). The time of the gentleman from Washington has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HADLEY. Mr. Chairman, I was about to say there is another provision in this same section to the effect that not more than three of the commissioners shall be appointed from the same political party—a provision in which I heartily concur. But the effect of that provision is largely nullified by the composition of the board as it is proposed. If one party is in power, there are two members manifestly of the same political faith, and if there are three appointed by the President, that will be five to two; or if it happens that the case be opposite to that, it will at least be four to three. The idea of the committee was to make it as nearly nonpolitical as possible, and that, I think, will meet with universal approval. But in order to do that the Cabinet officers ought to be eliminated, and the men appointed to discharge these duties ought to be those who are personally familiar with, and expert in their knowledge of, the subjects involved.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from New York?

Mr. HADLEY. I do.

Mr. OGLESBY. I will ask the gentleman whether, as a matter of fact, the provisions for the appointment of three men of one political party is not intended to provide for minority representation, and that where there is minority representation the size of the majority is not particularly important?

Mr. HADLEY. Generally speaking, that may be true. But I will say to the gentleman that I think when you minimize the minority to the extent possible under the provisions of this bill, taking the two provisions together, you might as well in the first instance provide that all the members of the board shall be of the same political party. That would be the effect of the gentleman's position, as I think.

Mr. OGLESBY. Is not the purpose of the minority in a board of that kind rather to insure that everything which comes before the board will meet the light of publicity?

Mr. HADLEY. The nearer the minority and majority can be kept in balance, I submit to the gentleman, the better will be the results.

Mr. Chairman, I submit a statement that was made to the committee by Mr. Fahey, the late president of the Chamber of Commerce of New York. In this connection I would like to read to the Committee of the Whole one short statement that he made, because it may be taken to reflect the idea of the business interests of the country as represented by that body, although it was not on a referendum but was his personal expression. He said:

There are many who contend that, if the Government goes into this business through the organization of corporations to operate ships, it is going to be almost impossible to prevent pressure on that board from the various ports which have very highly developed local prejudices and jealousies.

Galveston, New Orleans, Jacksonville, Seattle, Norfolk, Newport News, Baltimore, Philadelphia, Providence, and Boston, and most of the rest of them, think they have the finest harbors in the United States and are entitled to all kinds of opportunities which they are not getting to-day. As a matter of fact, under the present conditions in reporting the statistics of these ports the Department of Commerce is in hot water frequently because of port rivalries. There are many who claim that it is likely to be very much more violent when the Government must say from what ports its ships shall sail. In the minds of many the idea of eliminating any possibility of charging political influences in the composition of this board is very important.

I know how hard it is to conceive of a board constituted without political thought or consideration, and yet I can conceive of it. Men who are selected and charged with responsible duties, such as they will be here, may assume that attitude of mind if they be business men, representative men, selected for the discharge of those duties and responsibilities. They may assume and exercise quasi judicial functions to the same effect and to the same extent as a judge on the bench, provided they be not associated with those who are preeminently and admittedly representatives of political thought and political parties. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Washington has again expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HADLEY].

Mr. ALEXANDER. Mr. Chairman, my colleague on the committee Mr. Rowe, of New York, introduced into the House a bill which was prepared by the representatives of the Chamber of Commerce of New York, in which the board is composed just as it is composed in this bill. The Secretary of the Navy and the Secretary of Commerce are made ex officio members of the board, and five commissioners to be appointed by the President.

Now, there is a good reason for doing this. The vessels to be built under the provisions of the bill are to be naval auxiliaries. They are to be of the merchant type, it is true, but they are to be utilized by the Navy in the event of public emergencies or in war, and hence there is a good reason why the Secretary of the Navy should be a member of this board and should have something to say about the type of vessels to be built or purchased by the board.

Again, the bill provides that the Secretary of the Navy may list the vessels constructed under the provisions of this bill as a part of the naval auxiliary fleet. In addition, the bill provides that the officers and crews of these vessels may volunteer as a part of the naval auxiliary reserve force, and they shall receive additional compensation according to their rank under regulations to be made by the Secretary of the Navy. For these reasons we thought the Secretary of the Navy should be a member of this board.

The Secretary of Commerce should be made a member of this board for the same or better reasons, because the Bureau of Navigation and the Steamboat-Inspection Service are under the jurisdiction of the Department of Commerce. Hence, as he is charged with the administration of the navigation laws, and the duties of this board include the operation of vessels,

in order to prevent conflict and in order to coordinate the work it was though wise to make the Secretary of Commerce a member of this board.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. ALEXANDER. Yes.

Mr. TILSON. Will it not have the effect, we will say, of the Secretary of Commerce running with right arm a business—the business of shipping—and with his left arm making the inspections and enforcing the navigation laws? In fact, is he not put into something of a contradictory position?

Mr. ALEXANDER. Not at all. I think there are the best of reasons why he should be a member of the board.

However, there is one objection that has been urged—

Mr. KENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from California?

Mr. ALEXANDER. Yes.

Mr. KENT. I would like to ask the gentleman if the argument that the Secretary of the Navy and the Secretary of Commerce should be ex officio members of this board would not, by a parity of reasoning, put the mayor of a city on every commission established in a city?

Mr. ALEXANDER. No; I do not think it would. But there has been one objection urged to the membership of the Secretary of the Navy and the Secretary of Commerce on this board, in relation to the regulatory provisions of this bill, for the reason that they hold political offices, and they might for political reasons influence the decisions of the board with reference to rates. Now, there is some force in that objection, and I think it can be obviated by providing in this bill, in appropriate language, an amendment that they shall not participate in those functions which involve the regulation of rates.

Mr. COX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ALEXANDER. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COX. Is it the purpose of the gentleman, before this bill passes the House, to offer an amendment of that kind?

Mr. ALEXANDER. It is; and I say the suggestion came to my mind in the course of the colloquy between myself and the minority leader [Mr. MANN] day before yesterday, as regards the personnel of the shipping board. I am only reflecting my personal opinion about the propriety of the amendment, but as far as I have canvassed the matter with the membership of the committee, I think they concur in that view, and it is my purpose to work out such an amendment and present it at the proper time, so that the Cabinet members will be eliminated from the exercise of those functions on the board which would relate to the regulation of rates.

Mr. COX. I think that is exceedingly important. I look upon this board as something of great and extreme importance. I think I can see in the not far-distant future a time when this board is going to serve the water shipping and transportation exactly as the Interstate Commerce Commission now serves the railroads, and I do not think that board should be encumbered with any politics whatever. I do not think a member of the Cabinet should have any voice or any vote in the fixing of the freight-rate regulations by water, and I hope before this bill passes the House, the gentleman will present an amendment here which will absolutely eliminate any Cabinet officer from having anything to do with the fixing of these rates or regulations.

Mr. TILSON. There is an amendment to that effect pending now.

Mr. COX. Oh, no; there is a motion to strike out.

Mr. FESS. Will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. FESS. Would there not be this other element in it: This commission is to be entirely independent of Congress or of the Executive. If you make a portion of the Cabinet ex-officio members of it, may it not give undue influence to the executive department in exercising authority?

Mr. ALEXANDER. I think not. Of course we are dealing with human nature, and while there is a fear expressed that this board might be influenced by political considerations, the greatest fear with reference to this board should be that they might be influenced by the powerful interests that we are undertaking to control. That would be the danger, rather than politics, in my opinion.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I asked the question of the gentleman from Washington [Mr. HUMPHREY] awhile ago, as to why the Secretary of the Treasury was not included as a member of the board. Is there any reason for that?

Mr. ALEXANDER. Yes; I presume so. Does the gentleman want him included?

Mr. MOORE of Pennsylvania. He is a very important member of the Cabinet, and had a great deal to do in the initiation of this measure.

Mr. ALEXANDER. That is true. He is a man of broad vision and great ability, and is rendering the country a great service in the active part he has taken in helping to frame and in urging the passage of this bill.

Mr. MOORE of Pennsylvania. He was included as a member of the board in the first bill. He is not mentioned as a member of the board in this bill. Is there any reason why the Secretary of the Treasury was eliminated and these other members of the Cabinet included?

Mr. ALEXANDER. I have given the reason why these members have been included. The question of the selection of the Secretary of the Treasury was not discussed; but, as far as he is concerned, I want to say that there is no man more keenly alive to the necessity of rehabilitating our American merchant marine, or whose service would be more valuable on the board; but he has since that time been made a member, and, if my memory serves me accurately, is chairman of that great board, and has enough to do, I would think.

Mr. MOORE of Pennsylvania. I understand that, and it was certainly in mind originally to include him as a member of this board.

Mr. ALEXANDER. He was included in the original ship-purchase bill.

Mr. MOORE of Pennsylvania. If the gentleman's suggested amendment is presented in due course, the two members who are included now will be in the nature of counselors or advisers to the board of five. Surely the Secretary of the Treasury, having posted himself upon this subject, would be as acceptable in giving advice as the other two.

Mr. ALEXANDER. I think I have stated the reasons very clearly why the Secretaries of the Navy and Commerce are made members of the board, that there are certain provisions of the bill which relate to the administration of the Navy and the Commerce Departments, and for that reason those Cabinet members have been made members of the board.

Mr. MOORE of Pennsylvania. I thought possibly because of the absence of the Secretary of the Treasury from the country, while this bill was under consideration he was excluded.

Mr. ALEXANDER. Not at all.

Mr. HUMPHREY of Washington. Mr. Chairman, as a general proposition I would be in favor of this amendment that has been offered by my colleague. I think it is perfectly apparent to this House that politics ought not to enter into a proposition of this character, and in view of the amendment which has been suggested by the distinguished gentleman from Missouri [Mr. ALEXANDER] I want to say that it would not be imposing upon credulity to think that a fellow member of the board would have some influence on his colleagues in making these rules and regulations, even if he were not permitted to vote upon them.

Mr. GREENE of Vermont. Is not the proposition to tie the hands of the Cabinet officers on this board tantamount to a confession that they ought not to be there at all?

Mr. HUMPHREY of Washington. The committee want us to have more confidence in them than they themselves apparently have.

Mr. ALEXANDER. Will the gentleman yield for a remark right there?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. These Cabinet officers are very busy men, and there is another reason than the one suggested why they should not be members of the board that is to have these regulatory powers. It would be impossible for them to sit on that board from day to day and hear the complaints and the testimony and decide these cases.

Mr. HUMPHREY of Washington. I think that is true, and that is an additional reason why they ought not to be members of the board. But I wanted to say, if you will pardon me, that, in view of the personality now at the head of the Department of Commerce, I should look with a great deal of regret upon any amendment which sought to make it impossible for him to be a member of that board, because there is no man in



the United States who knows as much about shipping, or who knows as much about anything else in relation to business, as the distinguished Secretary of Commerce. Now, there is no question about that, because if any one will read the hearings before this committee he will see in the evidence the Secretary of Commerce himself affirms that is the fact. He states it over and over again. There is nobody in the United States or in Europe or anywhere in the world who knows as much about shipping as he does.

Mr. CANNON. You do not have to prove that.

Mr. HUMPHREY of Washington. Why, no; he has admitted it in the record; says so himself; and he says one of the greatest reasons why this bill ought to be passed is so that he can take this money and demonstrate that anybody else who ever built a ship did not know how to build it, and anybody else who ever ran a ship did not know how to run it, and if they will let him take \$50,000,000, he will demonstrate that fact. So I do not want to take him off the board.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. CLARK of Missouri. Does not the gentleman suppose that the Secretary of Commerce knows what he does know; and if he knows that, he knows more than anybody else. Is not that correct?

Mr. HUMPHREY of Washington. He admits that and says so. There can not be any question about it. Everybody agrees; we agree; he agrees as to his greatness, and that is the end of it. I hope we will not be deprived of the services of the greatest efficiency expert the world ever saw—according to his own admission.

Mr. ROWE. Mr. Chairman, it is true, as the chairman of the committee has said, that I introduced a bill prepared by the Chamber of Commerce in New York in which this same provision for the board is to be found, that there were to be two members of the Cabinet and five other commissioners. We discussed this matter very extensively in our committee meetings, and I am convinced that the bill that I introduced was wrong. I stand for the amendment just offered by my colleague, that we should not have on this board the Secretary of the Navy or the Secretary of Commerce or any other member of the Cabinet.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. HUMPHREY of Washington. I want to call to the gentleman's attention the fact that he has not done anything wrong. There is another distinguished member of the committee who introduced a bill in which he did not include the members of the Cabinet—

Mr. ROWE. I believe, Mr. Chairman, that the expenditure of this vast sum of money provided in this bill should not be left to the Secretary of the Navy or the Secretary of Commerce. A perfectly independent commission who have all the advice and all the help they wish from these two Secretaries are the ones who should have charge of the great work. I agree with the chairman of the committee that these two Secretaries are so busy in their departments that it would be impossible for them to give the necessary time so that they can fully understand the subject.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. MOORE of Pennsylvania. May not the fact that these two Secretaries are so busy that they could not attend to the functions of the board account for the absence from the board of the Secretary of the Treasury, who inaugurated the proposition?

Mr. ROWE. It might.

Mr. MOORE of Pennsylvania. The gentleman from Missouri, the chairman of the committee, has not explained why the Secretary of the Treasury is not included, and I understand from the gentleman from New York that he is very busy attending to other matters.

Mr. ROWE. I understand that is so.

Mr. MOORE of Pennsylvania. And that he would not have time to attend to the duties as a member of the shipping board, if appointed.

Mr. ROWE. That is undoubtedly true.

Mr. HARDY. Mr. Chairman, in spite of the would-be humorous suggestions and flings with reference to the Secretary of Commerce I will say that he has given the subject of this bill an intimate and extensive study and that his testimony before the committee shows that he does understand the subject far better than a great many of those who try to be witty at his expense, and when he came before it he gave our committee a great deal of light and valuable information.

I want to say that all this talk about the political complexion of the board to my mind is a matter of minor importance. We have got an Interstate Commerce Commission, and the law required that not more than four of its members, when it was composed of seven, should belong to one party. Now I never have heard the remotest hint that in the operations of the Interstate Commerce Commission politics ever played any part, and politics would not and could not have played any part in its actions if all its members had been of one party.

Mr. BENNET. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. BENNET. Is there any Cabinet officer a member of that commission?

Mr. HARDY. There is not; nor will there probably be after a year's or a few years' operation of this board; that is, if it proves as valuable as we hope and becomes a great industrial regulative body. There never was in the Interstate Commerce Commission any reason for putting a Cabinet officer in as a member, as there is at this time, as explained by the gentleman from Missouri for putting the Secretaries of the Navy and Commerce on this board. The influence on this board which will be complained of, if there ever is any complaint, will not be political; it will be business interests that will attempt to influence its decisions. Your Cabinet members are going to be very busy with the duties of their office. The real administration of this law will be by the five members appointed by the President, by and with the advice of the Senate. At present the whole navigation laws under which and in connection with which this law will operate are in charge of the Secretary of Commerce, and we must let him stay a member of this board unless we take over all the functions of the Bureau of Navigation and give them to this board. That would require a change of the whole system of laws. The Secretary of the Navy has duties intimately connected with the duties of this board, and for that reason he must stay there. I prophesy that when the board is in operation no man in America will ever be heard to complain of it on the ground that it is political.

Mr. FESS. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. FESS. There is no provision that it shall be nonpartisan, is there?

Mr. HARDY. It says that no more than three members shall belong to any one party.

Mr. FESS. Three out of the five?

Mr. HARDY. Three of the five.

Mr. FESS. And the two ex officio will belong to one party.

Mr. HARDY. Yes; but they really will have nothing to do with the active administration of the board—that is, the making and enforcing the rules, orders, and regulations of the board.

Mr. FESS. Will they have a vote?

Mr. HARDY. On some questions; but the chairman of the committee, without any suggestions from me and to which I have no objection, will perhaps prepare an amendment that will leave the fixing of rates and similar functions to the members appointed by the President and confirmed by the Senate.

Mr. FESS. But under the bill there can be three members appointed by the President belonging to one party, and two Cabinet officers make it five members belonging to one party.

Mr. HARDY. The bill was originally drawn for three members to be appointed, but since in our view the appointed members would discharge very nearly the whole duty of the board it was increased to five. I prophesy that no man will ever be able to point out any action of the board and say that it is political.

Mr. FESS. Political stress is sometimes pretty rigid.

Mr. HARDY. How can it be applied to the administration and regulation of rates and the prevention of discrimination? How can the fixing of a rate be affected by politics?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TOWNER. Mr. Chairman, the suggestions that have been made by the chairman of the committee—and I desire to compliment him on his frankness—evidently have been considered by the committee, and why they have not been sufficient to induce it to exclude the members of the Cabinet is incomprehensible to me.

Mr. Chairman, this board is a board that must act in a great many cases as a court. It is manifestly impossible that the members of the Cabinet shall sit and hear the evidence and the arguments in those cases. How, then, can they act in such cases with any degree of correctness of judgment if they do not hear the evidence nor the arguments that are adduced? That is one and a sufficient reason. And further, Mr. Chairman, as the chairman of the committee has well said, there are certain questions that must be considered by this commission

that it would be exceedingly improper for any representative of the administration to pass upon. In fact, Mr. Chairman, it is impossible for members of the Cabinet to sit in any board and not act as political representatives of the administration, and that would not only injure and disparage their decision as part of a court in which these representatives of the administration take part, but subject the entire commission to the criticism of having acted from political and not from perfectly legitimate reasons.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TOWNER. I will.

Mr. HARDY. The gentleman says this board will act largely as a court. Do not the members of the Supreme Court of Iowa belong to one party? Does the gentleman have—

Mr. TOWNER. That has not anything to do with this question.

Mr. HARDY. But they pass on—

Mr. TOWNER. We never put any representatives of a party as a party in our supreme court.

Mr. HARDY. They are all of your party?

Mr. TOWNER. No; they are not.

Mr. HARDY. Has the gentleman's State any law to prevent putting not only a majority but everyone, either Republicans or Democrats, as the administration may be?

Mr. TOWNER. No, sir; that has not anything to do with the consideration of the question and the proposition I am making. I am saying that the very fact these men are members of the administration, if they shall act with the utmost disregard of political reasons, it would nevertheless subject not only their actions but the action of the entire commission to the charge that it was actuated by political and not legitimate reasons.

Mr. HARDY. No political case could come before it.

Mr. LONGWORTH. Is not the point the gentleman makes this: That the more efficient a member of the Cabinet was in his duties as a member of the Cabinet the less efficient he would be as a member of this board, and vice versa?

Mr. TOWNER. That is exactly it; and I am also taking into consideration the fact that it would disparage the very action of this commission as such to have members of an administration represented upon it.

Mr. KENT. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. KENT. Is it not a fact that the Supreme Court of Iowa is in the custom of hearing the evidence—

Mr. TOWNER. Yes; and listening to argument as well.

Mr. FESS. Will the gentleman yield?

Mr. TOWNER. If the gentleman will pardon me, I am afraid my time will expire before I can say one or two things which I am very anxious to say.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNER. Mr. Chairman, I want to call the attention of gentlemen on the other side of the Chamber to the fact that if they really desire this commission to be effective, if they desire it to stand as high in the esteem of the people as it should, they should be the first to exclude from it any sort of political taint. They know as well as I do that all over this country, if these men are made members of this commission, it will be stated that it is done for political considerations. I want to call attention to these gentlemen further—is my time about to expire?

The CHAIRMAN. The Chair has allowed the time of the gentleman to run over a quarter of a minute.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. ALEXANDER. Mr. Chairman, I want to modify that request and ask that all debate on this section and all amendments thereto close in 10 minutes.

Mr. LENROOT. I have an amendment I desire to offer.

Mr. MOORE of Pennsylvania. I should like to offer an amendment to this section.

Mr. ALEXANDER. Mr. Chairman, I will ask that all debate on this particular amendment and all other amendments and on the section shall close in 15 minutes.

Mr. LENROOT. I desire to have five minutes.

Mr. BENNET. I have an amendment to offer.

Mr. MOORE of Pennsylvania. I would like to have five minutes.

Mr. ALEXANDER. I desire to hasten the consideration of this bill along; I will make it 20 minutes.

The CHAIRMAN. How is the time to be controlled?

Mr. ALEXANDER. I will say 25 minutes, and I will control five minutes of that time.

Mr. GREEN of Iowa. How is the time to be divided?

Mr. ALEXANDER. I am going to give you gentlemen all except five minutes of it.

Mr. LENROOT. Mr. Chairman, reserving the right to object—

Mr. ALEXANDER. I want to hasten matters along and give the gentlemen a chance to consider this bill if I can.

Mr. BENNET. Reserving the right to object, will not the gentleman make it 30 minutes? There are six or seven amendments to be offered over here.

Mr. ALEXANDER. Complaint was made when we adopted this rule and I wanted gentlemen to have a chance to consider the various sections of this bill.

Mr. BENNET. We will not.

Mr. ALEXANDER. And the gentleman from New York has consumed most of the afternoon on unimportant amendments.

Mr. BENNET. Oh, they were not unimportant. The gentleman accepted four of my amendments.

Mr. ALEXANDER. I suggest 20 minutes. I would just as soon hear the gentleman talk—

Mr. MOORE of Pennsylvania. Is it not true the gentleman was limited in the time he had to introduce and explain the bill, and is it not true the gentleman from Texas [Mr. HARDY] asked not to be interrupted because of the limited time?

The CHAIRMAN. The Chair will state the request for unanimous consent.

Mr. ALEXANDER. I reserve 10 minutes over here, and 20 minutes can go to the other side.

Mr. LENROOT. Reserving the right to object, how is that to be controlled?

Mr. ALEXANDER. The gentleman from Massachusetts [Mr. GREENE] can control it.

Mr. FOSTER. Reserving the right to object, is this to be made on genuine amendments to be offered, or is it to be just talk?

The CHAIRMAN. The Chair understands that the request is that it is to be on the amendment pending and the amendments to be offered in that time.

Mr. LENROOT. I would like to have it understood that the amendments are to be voted on as offered and not after the debate is closed.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that we have 30 minutes' debate on the pending section, and the amendment now before the House and such other amendments that may be offered in that time, and 10 minutes to be controlled by himself and 20 minutes by the gentleman from Massachusetts [Mr. GREENE].

Mr. LENROOT. Reserving the right to object, I do not think that was it exactly. The debate is to be closed in 30 minutes, and the votes are to be taken upon the amendments as offered and debated.

Mr. ALEXANDER. Within the 30 minutes.

The CHAIRMAN. Within the 30 minutes. With the modification of the gentleman from Wisconsin [Mr. LENROOT], the Chair will ask if there is objection to the request?

Mr. GREENE of Massachusetts. With the understanding that there are to be 30 minutes for debate.

Mr. HUMPHREY of Washington. Reserving the right to object, I do not know how this time is to be distributed. I have an amendment to offer, and I want five minutes.

The CHAIRMAN. The gentleman from Massachusetts will control time on that side.

Mr. HUMPHREY of Washington. We will wait and see if he can do it or not.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Iowa [Mr. TOWNER] is recognized for two minutes.

Mr. TOWNER. Mr. Chairman, I want to call attention only to this one fact before I sit down:

It has been said—and that is the only argument adduced by gentlemen who favor the retention of the Cabinet officers—that because of their intimate connection with this line of business they ought to be members of this commission. Why, gentlemen, that certainly is not a reason that ought to appeal to you, for if there is an intimate relation between, for instance, the Secretary of Commerce and this board, there is a much more intimate relation between his duties and the Trade Commission. Why did you not suggest that he should be a member of the Trade Commission or the Interstate Commerce Commission? And, as far as the duties of the Secretary of the Navy are concerned, Mr. Chairman, that should be a reason why he should not be considered as a member of this commission. These gentlemen should act with regard to the interests of the marine commerce of the country.



The Secretary of the Navy should represent only the Navy. The Secretary of the Navy should no more operate with the marine commission than the marine commission should help the Secretary of the Navy perform his duties. They each have separate functions and can act together whenever it is required they both shall do so. It is not necessary that the Secretary be given a place on the marine board, neither is it necessary the marine board should assist the Secretary in the performance of his duties.

Mr. CHAIRMAN, there are very many reasons that can not even be suggested here why this is an unwise policy. I think many of our Republican friends are very optimistic, I will say confident, that the administration will change very shortly. That may be merely an optimistic dream in the view of gentlemen on the other side, but it is within the range of possibility, at least. You ought to think of this commission as it may act under a Republican administration as well as under a Democratic administration.

Mr. COX. If the gentleman's party gets in control of this country, it can repeal that.

Mr. TOWNER. I did not yield to the gentleman. You ought to act with regard to this question from motives that are not political in any sense. We are certainly acting from motives that are not political, because, believing as we do that we will soon control, we might have the idea that we obtain some political advantage under such an arrangement. But that would be as unworthy of us as, I trust, you will consider such a reason unworthy of you.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 34.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered, and Mr. HADLEY and Mr. ALEXANDER took their places as tellers.

The committee again divided; and the tellers reported—ayes 41, noes 42.

So the amendment was rejected.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, strike out lines 14 and 15 and insert:

"Said board shall annually elect one of its members as chairman and one as vice chairman."

Mr. LENROOT. Mr. Chairman, if this amendment I have proposed be adopted, it will strike out the language:

One of such commissioners to be designated by the President as chairman of the board and one as vice chairman.

And insert in lieu of it the following:

Said board shall annually elect one of its members as chairman and one as vice chairman.

In other words, this amendment proposes to leave the election of the chairman of the board to the members of the board instead of his being appointed by the President, as the bill now provides.

Now, Mr. Chairman, a great deal has been said about the non-political character of this board and the desire of the committee that there be no politics in it. I have accepted that in good faith, and if that is true I confidently expect the chairman of the committee will accept this amendment.

Mr. ALEXANDER. Will the gentleman please state what it is?

Mr. LENROOT. The amendment that I have offered proposes that the board shall elect its chairman annually instead of being appointed by the President. That is all.

Mr. ALEXANDER. I agree to that.

Mr. LENROOT. And vice chairman.

Mr. ALEXANDER. So far as I am personally concerned, I am agreeable to that.

Mr. LENROOT. If there is no opposition, I do not care to take the time to debate it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment by way of a substitute for the section.

The CHAIRMAN. The gentleman from Washington offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Strike out all of section 3 and insert:

"That a commission is hereby created and established, to be known as the United States shipping board, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate.

"At least one member of the commission shall be appointed from the Atlantic seaboard States; at least one from the Pacific seaboard States; at least one from the States bordering on the Great Lakes; at least one from an inland port; and at least one from the States bordering on the Gulf of Mexico. Not more than three of the commissioners shall be appointed from the same political party.

"Said commissioners shall not be actively engaged in any other business, vocation, or employment during their tenure of office.

"The commissioners first appointed by this act shall continue in office for the terms of three, four, five, six, and seven years, respectively, from the 1st day of June, 1916, the term of each to be designated by the President. Their successors shall be appointed for terms of six years, except that any person to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed.

"The commissioner first appointed for the term of three years, and thereafter his successor, shall have had practical experience at sea, within the last 10 years, for a period of a year or more, as a licensed ship master of an ocean-going steam passenger and freight vessel. The commissioner first appointed for the term of four years, and thereafter his successor, shall have had experience in the practical operation of shipping, and shall have been employed within the last 10 years, for a period of a year or more, in the capacity of superintendent or manager of a firm, or firms, engaged in the ocean carrying trade, with a fleet of more than three ocean vessels. The commissioner first appointed for the term of five years, and thereafter his successor, shall be an experienced marine engineer, and shall have had, within the last 10 years, at least one year's experience as chief engineer of an ocean-going passenger and freight vessel. The commissioner first appointed for the term of six years, and thereafter his successor, shall be a naval architect, who shall also be experienced in marine engineering, and shall have been so employed, within the last 10 years for a period of at least three years, in a recognized shipbuilding plant. The commissioner first appointed for the term of seven years, and thereafter his successor, shall be learned in the maritime law and shall be the chairman of the commission.

"Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"No vacancy in the commission shall impair the right of the remaining commissioners to exercise the right of all of the powers of the commission.

"During a vacancy of chairman the remaining commissioners may select one of their number to act as chairman pro tempore until a new commissioner to act as chairman shall be appointed and qualified. Three members of the commission shall constitute a quorum, and the majority vote of all the commissioners then qualified to act shall control.

"The commission shall have a seal, which shall be judicially noticed.

"Either of the members of the commission may administer oaths and affirmations and sign subpoenas.

"That for the purposes of this act the commission shall have power to require, by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, and documents relating to any matter under investigation, at any designated place of hearing, and may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents, and any failure to obey the order of the court may be punished by such court as contempt thereof.

"That said commission shall formulate and prescribe rules and regulations governing the construction, gross and net tonnage measurement, shipping of crews, equipment, inspection, licensing, enrollment and registry, operation, and navigation of vessels of the United States of whatever class, kind, size, or motive power.

"That the commission shall take over the functions of the Steamboat-Inspection Service and the Bureau of Navigation, fill all vacancies that may occur in said services, and review all questions passed on by the local or supervising inspectors when an appeal is taken to the commission by the parties in interest; the commission shall also formulate rules for fixing the freeboard of all vessels of the United States, under load conditions, for summer and winter service, with modifications to meet the requirements of different trades, and for freight and passenger service, and, in connection with freeboard, the question of adequate transverse and other subdivision; the stability curves of all ships carrying passengers shall also be examined by the commission. Said commission shall administer the laws governing the licensing and the rights and duties of all officers of vessels of the United States, and shall administer the laws governing the rights and duties and qualifications of seamen, and shall formulate and prescribe rules and regulations governing the shipping and water-borne commerce of the United States, which rules and regulations shall become effective whenever promulgated by the President by proclamation thereof; such rules and regulations may be repealed, changed, modified, or amended by the commission or by promulgating act of the President, and all acts of law inconsistent with or incompatible with the authority hereby given said commission are repealed by this act.

"That the commission shall make careful comparison between the navigation laws of the United States and other maritime countries to ascertain if, as regards statutory regulations, American shipping carries any burdens that the shipping of other nations are free from, and also to determine the difference in the cost of construction of vessels in the United States and the cost of construction of vessels in other maritime countries, and if it is found that American shipping does carry burdens that other nations are free from the commission is hereby given the power, and it is the intent of this act that the commission shall take the necessary steps to remove such burdens from American shipping.

"That the salaries of the commissioners shall be \$10,000 per annum for each commissioner, payable in the same manner as the judges of the courts of the United States.

"That the commission is authorized and empowered to appoint a secretary, to serve at the pleasure of the commission, at a salary of

\$5,000 per annum, and to engage such other employees and assistants as it may deem advisable, whose terms of employment of service shall be at the pleasure of the commission and whose salaries or wages or compensation shall be fixed by the commission, with the approval of the President.

"Until otherwise provided by law the commission may hire suitable offices for its use and shall have authority to procure all necessary office supplies.

"Witnesses summoned before the commission shall be paid the same fee and mileage that are paid witnesses in the courts of the United States.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their order, in making any investigation or upon official business in any other places than the city of Washington, shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

"On or before the 1st day of December in each year the commission shall make a report to Congress, which reports shall also contain its findings and recommendations.

"That the commission shall have full power and authority to do all acts and to incur all obligations necessary to the carrying into effect of the letter and spirit of this act, and all laws to the contrary are hereby repealed; and the bureau now known as the Steamboat-Inspection Service and the Bureau of Navigation are abolished as such with the appointment of the commissioners named, who shall perform the functions of said bureaus and who shall take over all funds appropriated for said bureaus and through consolidation of the functions of those bureaus administer the same."

Mr. HUMPHREY of Washington. Mr. Chairman, this amendment is a bill that was introduced by the distinguished gentleman from Virginia [Mr. SAUNDERS]. I want to say, however, in justice to the gentleman from Virginia, that I do not know that he approves it, and possibly it was introduced merely as an accommodation. I did not introduce it as an amendment here for the purpose of binding or in any way embarrassing the gentleman from Virginia. That was not the object. I simply used that print because it was convenient.

I think the bill in substance was drawn by Capt. John F. Blain, of Seattle, who is trustee of the Merchants' Exchange of the city of Seattle and chairman of their shipping committee. I may say, further, that Capt. Blain has had wide experience in the command of vessels, both sail and steam, and he has also served as inspector of hulls in the Bureau of Steam-Inspection Service. I say that in order to show his competency to draw up a bill of this character. I read it over and I was struck with the wisdom of some of the provisions, and thought it was a better bill than the one that is now pending before the committee.

I do not undertake to explain it, however. The time I have will not permit. But that is no particular reason why it should not be adopted. Nobody there knows anything about this bill except, first, that it appropriates \$50,000,000—that is certain—and second, that it provides for members of a shipping board who will draw a big salary. That also is certain. Everything else is left to the imagination. [Applause and laughter on the Republican side.]

As I said this morning, Mr. Chairman, no man can tell where they will get a ship under the terms of this bill. They can not tell where they will build one or where they will buy one or where they will get terminal facilities in case they obtain any ships; nor can they tell what ports they are going to run them from or to or anything about it. The whole thing is a socialistic dream. [Laughter on the Republican side.]

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. Will you let us use your municipal docks at Seattle if we build or buy these ships?

Mr. HUMPHREY of Washington. Well, will the gentleman promise that one of these lines shall be run from Seattle? Let us have something definite.

Mr. ALEXANDER. Will you let us use your municipal docks?

Mr. HUMPHREY of Washington. You can use the municipal docks if you get the ships and will give us a line from Seattle. But if you give to Seattle one of these lines I do not see how you can square yourself without giving one to San Francisco also; and if you give one of these lines to San Francisco I do not see how you will square yourselves with Los Angeles unless you give one to Los Angeles; and if you give lines to the Pacific coast what will you do about Galveston and Mobile on the Gulf? And if you give one line to any port on the Atlantic coast you will have to square yourselves with other ports on the Atlantic coast.

It just shows, Mr. Chairman, the absurdity of the whole proposition. You have just enough vessels here to discourage private ownership. You will have vessels to carry only such a small part of the commerce as to have no effect upon it whatever, except to discourage private effort. If there ever was an equally absurd proposition, it was the one you introduced in

your tariff bill to reduce the tariff duties on foreign goods carried in American ships. That proposition was in a class by itself. [Laughter.] Nobody is in favor of it on that side of the House now that you have tried it, and if this bill is put on the statute books after a while there will not be anyone over there who will be in favor of it. You just have enough Government ownership here to stand as a threat to private enterprise, so that private enterprise will never do anything as long as this threat remains.

Nobody on that side of the aisle knows and nobody can say whether these ships are going to be run at a profit or at a loss. Of course we on this side all know that they will be run at a loss. But if they do ever happen under any circumstances under this bill to make a profit, then if you act in accordance with the message of the President when he came here and told you he wanted this legislation you will immediately put them out of business, so that under no circumstances will the Government get the best of this proposition. According to the statement of the President in his message, if you make a profit the Government will quit. But any way you do it you will put your hand into the Treasury, notwithstanding your platform declaration to the effect that you would not take anything out of the Treasury or place any burdens upon the people in order to develop a merchant marine. I would like to know whether you will take \$50,000,000 out of the Treasury if you enact this bill? [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MADDEN. It would take \$500,000,000 out of the Treasury.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. SAUNDERS. I simply desire to say with reference to the bill embodied in the substitute offered by the gentleman from Washington [Mr. HUMPHREY] that Capt. Blain testified before our committee, and we found him a very intelligent gentleman who made several suggestions that we regarded as valuable. The bill prepared by him was introduced by me in order that we might have its contents in a convenient form for reference.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. HUMPHREY of Washington. I hope the gentleman will not think that I attempted in any way to embarrass him by embodying his bill in my amendment. I explained the way I used it.

Mr. SAUNDERS. Oh, no; I do not understand it that way at all. I merely wish to point out the fact that Capt. Blain made some suggestions that were taken from his bill, and that I introduced this bill in order that all of its suggestions would be before us. The only difference of real moment between that bill, and the pending bill, is the limitation that the substitute proposes to place on the appointing power with respect to the selection of the members of this board, by the reference to certain geographical divisions of the United States.

I suggest that this limitation is neither wise nor wholesome. If the members of the committee will look to the bottom of page 3, they will find the following language:

The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and to a fair representation of the geographical divisions of the country.

Under this language the considerations of geographical location, as well as the considerations of the qualifications of the appointees to discharge the important functions to be committed to them, will be entertained by the President in the exercise of his power of appointment. The committee largely followed a provision of the Federal reserve act, going however a little further than that act. This is the provision of the Federal reserve act, with regard to the selection of the five appointive members of the Federal Reserve Board:

The President shall have a due regard to the fair representation of the different commercial, industrial, and geographical divisions of the country.

The language of the pending bill merely affords the legislative attitude with respect to the determining considerations in the appointment of the commissioners.

The attempt to surround the appointments with too many encumbering restrictions, would, in the result, be futile, since the appointing power, if so disposed, could evade them, and if he is not so disposed, then they will not be needed. The President will have no difficulty in working out the selection of the men who ought to be on this board, by reason of their location, as well as their fitness in all respects to discharge the functions attaching to the appointments. I do not think this substitute



ought to be adopted, for the reason, as I have stated, that the really meritorious portions of it will be found in the bill of the committee, now under consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. GREENE of Massachusetts. I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 3, line 13, after the word "Senate" insert "at all times at least two of such commissioners shall be men who have had not less than 10 years' actual experience in some branch of the shipping business."

Mr. BENNET. Mr. Chairman, I desire to be stopped at the close of one minute.

If this board is to be of any importance at all, it is to be of great importance. Representing as I do in part the greatest shipping port of the hemisphere, I sincerely trust that this Congress will see to it that there are upon that board at least two men who have had experience in the shipping business. If this board related to any other business, there would not be any question for a moment but what it would be provided by statute that some of the commissioners should be men who knew something about the business. Now this bill does not make such provision. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 3, line 13, after the word "Senate" insert "At least one of such commissioners shall be a seaman as defined by the statutes."

Mr. BENNET. Mr. Chairman, in the public-service commission law of the State of New York there is a provision which I have always thought a good one, that one of the commissioners must be a practical railroad man; and we always have a brakeman, a conductor, or some man like that on the public-service commission up State. It seems to me that on this commission, so vitally affecting seamen, there ought to be at least one seaman, and I give the House the chance to recognize the men that go down to the sea in ships.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 4, line 12, after the word "seal," strike out "which shall be judicially noticed."

Mr. BENNET. Mr. Chairman, a brief inspection of the Revised Statutes shows that this committee is attempting to give to this seal a privilege which the Great Seal of the United States does not have, nor does the seal of any one of the departments; and in addition, as a mere incident, something which neither the committee nor the House can confer on a seal. You can not make a judge take judicial notice of something he does not know anything about. All of us who are lawyers know that the only thing of which a judge will take judicial notice is something that he knows. Suppose you go into court and say to the judge, "This is the seal of the shipping board. You must take judicial notice of it." The first thing he will say to you is, "Prove that it is the seal of the shipping board." After that is done, of course, it is admissible anyway. This provision is simply foolish, and I hope it will be voted out.

Mr. ALEXANDER. Mr. Chairman, I will say that the interstate-commerce law has such a provision in it, and other laws have similar provisions.

Mr. BENNET. You can not find it in the interstate-commerce law.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. GREENE of Massachusetts. I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I move to strike out the last word, to make an observation upon this section. As I read it,

each President will have the power at certain periods to appoint four of the five commissioners. I notice that there will be one year in every six when there will not be an appointment made, since the term is for six years and there are but five to be appointed. Now, while it is suggested that there will not be any politics in it, we ought to realize that there will be at least four out of the five appointed by a single President within four years, and two in addition are to be Cabinet members, which makes it possible that at all times there will be five of the seven belonging to the same political party and six of the seven appointed by the same man. While I appreciate what the chairman in charge of this bill has said, that politics will not crawl into this thing, I think there is a real danger that politics may become a real factor in appointments, since everybody will recognize the difference between the political complexion of an appointive board or commission such as here proposed and an elective body such as the courts mentioned by members of the committee in answer to Mr. TOWNER of Iowa. As a rule the supreme courts of the States are elective. The supreme court of my State is elective, and the same is true of Western States including Iowa. In the State of Pennsylvania, as I remember, it is appointed, but generally these courts are elective. As such they are not subject to executive control, which is always the danger. Here is an appointive commission, in the power of the President. If you make it possible for him to use five out of seven for political purposes, the pressure at times will be tremendous upon him to use it.

Democrats at least should not forget the powerful inveighing of their former great leader, Andrew Jackson, in his persistent campaign against the old national bank, and his successful prosecution if not persecution of its head, Mr. Biddle, of Pennsylvania.

The lodgement of appointments and a firm grip upon the purse strings of any considerable group in the hands of one man are always to be guarded. If ever any Government agency should be free of politics, those which command the money, the trade, the commerce, domestic and foreign, of the country should be free of that taint. I am aware that you say that the same provision is in the Federal Reserve Board. Some of us attacked that provision when we were ridiculed for the suggestion of a partisan complexion. There is no provision for a nonpartisan complexion, since the Senate struck out that provision which the House regarded as a safeguard. You are aware that in the Federal Reserve Board, as constituted by President Wilson, they were all, with the exception of one doubtful member, of the same political party. Had not the Senate rejected the name of Mr. Jones, that board would have none but Democrats. You notice that a similar partiality is existent in the Interstate Trade Commission. Not only were there no Republicans selected, but a majority were conspicuous as party workers. I think it is not out of place to call attention to what we should expect in this case, in the light of the past. It would be wise to guard this provision so that a quadrennial election might not be an invitation, as well as an occasion, to use such a powerful board for political purposes. It is the one feature I see where there is a possibility that pernicious political activity may be used. For their own protection, as well as the country's welfare, these men ought to be free from suspicion, and it would be an easy matter to cure that danger.

Mr. ALEXANDER. I would like to ask the gentleman how a political influence could affect it?

Mr. FESS. Any commission that has control of \$50,000,000 and the regulatory power of the country's water commerce has a powerful leverage in its hands.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 15, after the word "chairman," insert the following: "Provided, That any person who has served in the Senate or House of Representatives of the United States prior to the Sixty-fourth Congress shall be eligible to appointment as a member of said board."

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment proposes to admit Members of the House or of the Senate prior to the Sixty-fourth Congress to appointment as members of this United States shipping board, if the President in his judgment shall see fit to appoint one or more of such former Members. I tried to find out a little while ago, when discussion of the two Cabinet officers was under consideration, why the Secretary of the Treasury had been eliminated from the board. I have since learned that the Secretary of the Treasury, having very important duties in the Treasury Department and having just returned from a tour of another country, is unable to give the time and attention to the United States shipping board that it would deserve at his hands. Moreover, being a member

of the Federal Reserve Board, perhaps it would be duplicating the duties imposed on him and make the work more irksome than he could bear. In view of the fact that the committee has voted the Secretary of the Treasury out of the bill, but has kept the Secretary of the Navy and the Secretary of Commerce in, I have offered this amendment suggesting the availability of Members of Congress prior to this Congress. It would be indelicate, of course, for Members of this Congress to seek appointment on this board, but those who have been faithful in the service heretofore ought not to be cut out under any new policy that may be inaugurated by the President of the United States.

Now, I had in mind that there might be some changes in Congress very soon. Only a few days ago my distinguished colleague on the other side, the eloquent and forceful chairman of the Immigration Committee, came back from Alabama, having been renominated, according to the biblical term, by "the skin of his teeth." Had it been otherwise, it is possible, by reason of his long and able service here, the President might have been induced, in view of the withdrawal of the Secretary of the Treasury, to appoint him a member of the United States shipping board. His splendid knowledge of immigration—

Mr. BURNETT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. BURNETT. I thank the gentleman for his compliment, but I was not renominated by the "skin of my teeth." I beat both of them by a good majority. [Applause.]

Mr. MOORE of Pennsylvania. I congratulate the gentleman. I had no doubt when he left for the Alabama hustings that he would come back and make a good report of himself. Mr. Chairman, I have offered this amendment to protect the rights of Members of Congress. Why they should be eliminated from high places after they have retired from arduous service here I do not understand. We will all agree that this is not a partisan question. Prior administrations have recognized the merits of Members of Congress and under the title of "lame ducks" have provided for them on various boards and commissions, but the present President of the United States, who will have full power and authority in this matter, has been changing conditions a little. While it is true that he does not seek far for many members of the Republican Party to appoint on so-called nonpartisan commissions, he has not, up to this writing, appointed any conspicuous number of former Members of Congress to any of these lucrative positions on the numerous boards and commissions that the Sixty-third and Sixty-fourth Congresses have so generously created.

The danger point, the point that I would obviate to protect former Members of Congress, arises in the bill known as the Rainey tariff commission bill, which is the special measure of the President of the United States, as I understand. Even the leader of the Democratic Party in this House has not seen fit to introduce this bill in his own name. There are certain provisions in the bill which are evidently not acceptable to the gentleman from North Carolina [Mr. KITCHIN], so the gentleman from Illinois [Mr. RAINEY] sponsors the measure as the President's own.

But it presents the danger point. This new nonpartisan tariff commission bill provides that no Member of Congress shall be appointed to the tariff commission. We have a chance to remedy this defect in the present bill before the practice goes too far.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. And I hope the Democrats will do it. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. That each member of the board, except the ex officio members, shall receive a salary of \$10,000 per annum. The board shall appoint a secretary, at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties and as may be appropriated for by the Congress. The President, upon the request of the board, may authorize the detail of officers of the military and naval services of the United States for such duties as the board may deem necessary in connection with its business.

With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be a part of the classified civil service.

The expenses of the board, including necessary expenses for transportation, incurred by the members of the board, or by its employees under its orders, in making any investigation, or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the board.

Until otherwise provided by law, the board may rent suitable offices for its use.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the board.

Mr. ESCH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 25, after the word "military," strike out the word "and" and insert, after the word "naval" in the same line, the words "or other."

Mr. ESCH. Mr. Chairman, this amendment has for its only purpose the enlargement of the field of information which may be made available to this new shipping board. In the Federal Trades Commission bill, which was passed in the last Congress, we made available for that board every bureau or department of the Government in order to give it the fullest possible opportunity to investigate every subject matter within the purview of the act. In the bill we have before us the President, upon the request of the board, may authorize the detail of officers of the military and naval services—

Mr. ALEXANDER. What is the gentleman's amendment?

Mr. ESCH. "And other services," so as to make it as broad as possible. I can conceive of how this shipping board might want to avail itself of information, for instance, in possession of the Interstate Commerce Commission. It will have to deal with very complicated questions and schedules and rates. The commission would have experts, and it might supply very valuable information for this new shipping board.

Mr. ALEXANDER. I think that is all right.

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to amend by striking out the first four words of line 3, page 5, and inserting, in line 7, before "all," the word "and," and after "all" the word "other," so that it would read:

The secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ in the conduct of its work, and all other employees of the board shall be a part of the classified civil service.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 3, strike out the words "with the exception of," and, in line 7, before the word "all," insert the word "and," and after the word "all" insert the word "other."

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, 5 to be occupied by the gentleman from Ohio and 5 by some one on this side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on this amendment shall close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, this provision is another assault upon the merit system or the civil service as we understand it to be under the present law, and I want to call attention to what this Congress and the last Congress have done along this line.

I had occasion to make some investigation of the history of Congress since it has been under the control of our Democratic friends in their relation to the merit system. Now, I recognize that the civil service is not favored by some Members of the other side. Many chairmen of committees have frankly and openly assaulted it on the basis that it is a farce, and frequently Members not chairmen of committees have spoken in a similar vein, which leads me to believe that there is some very pronounced and well-defined dominance of opinion, as represented in this Democratic Congress, in opposition to the merit system. I do not believe that the country is ready to go back to the old spoils system of years ago. I think that one of the most pronounced items of progress in efficiency as well as economy of administration has been the operation of the recognized civil service under the merit system, and yet there have been nearly a dozen specific enactments since our Democratic friends have come into control, every one of which is an attack, some of them open and some of them subtle, against the merit system.

The Federal reserve act is one of the big legislative acts, the interstate-trade act is another, and another is the rural-credits act. Now, here comes this shipping bill, that will be in glaring headlines a part of the legislative program of the Sixty-third and Sixty-fourth Congresses, and I want to remind you that in every great act that you determine or denominate as a great act you have had an assault upon the merit system in this legislation; and there are other times where it has been done by riders upon appropriation bills that are not so conspicuous, yet entirely consistent with other attacks.

Mr. SAUNDERS. Will my friend yield in that connection?

Mr. FESS. I will.



Mr. SAUNDERS. The gentleman would not want the Secretary appointed under civil-service regulations, would he, or the clerk to the commission; the gentleman would not want him to be appointed under civil-service regulations. The commission would want its own secretary.

Mr. FESS. I am of opinion, I will say to my friend from Virginia, that there might be exceptions where it is rather a personal matter.

Mr. SAUNDERS. Well, now I was just going to ask where in this sentence the gentleman can find a possibility of people being appointed who are not under civil service who in the judgment of the gentleman ought to be in the civil service? These special experts and examiners?

Mr. FESS. I do not see why these various officers should be exempt from the civil service.

Mr. SAUNDERS. The great bulk of the employees who will be employed under this act, as the gentleman will see, are made from the classified service.

Mr. FESS. I do not see why naval architects, special experts, and examiners; or, in other words, why this provision is here except to avoid the civil-service regulations.

Mr. SAUNDERS. I might agree with the gentleman as to putting architects under the civil service, but as to these special experts, you can not make them subject to the Civil Service Commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I will be frank and fair with my friend. What I am after is not to attack the Civil Service Commission to the point of breaking it down, which I very much fear in the light of the past.

Mr. SAUNDERS. I agree with the gentleman fully, and in that respect I think we do not go very far.

Mr. THOMAS. Mr. Chairman, I ask to say a word or two about the civil service.

The CHAIRMAN. Will the gentleman from Kentucky pardon the Chair for a moment? There were 10 minutes agreed upon in this matter, and the gentleman from Missouri [Mr. ALEXANDER] should be recognized.

Mr. ALEXANDER. I yield to the gentleman for two minutes.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky may be allowed to proceed for five minutes.

Mr. ALEXANDER. I yield to the gentleman from Kentucky five minutes, then.

Mr. THOMAS. Mr. Chairman, I am utterly opposed to this so-called civil service or merit system, except, perhaps, in the departments in Washington City. I believe that a Congressman knows more about his district than any civil-service commission that ever existed. I believe a Congressman is better qualified to name the postmasters and the rural-route carriers in his district than anybody else.

Now, we have this so-called merit system in regard to rural routes and it has been operating in my district. And right recently four of the gentlemen who stood brilliant examinations and at the head of the class were discharged for incompetency. And only a day or two ago one was discharged for incompetency, for drunkenness, for gambling, and running after women. Outside of those few charges, gentlemen, he was all right. [Laughter.]

Now, that is your system. Why, it is a perfect fake. Generally the fellows that loaf around and do not work and study a little stand these examinations and make the best grade. I heard of one fellow who stood one of these examinations for rural-route carrier a good while ago, and they asked him what was the distance from the earth to the sun. He said he did not know, but he did not believe it was close enough to interfere with his duties. [Laughter.]

So I am against the whole business. If the Republicans get in, I want you to have the offices; and you will get them, or you will try to get them, every single one of you. You will make every effort in the world to turn out every Democrat who is now serving this Government under civil service, and you will trump up some character of charge or other, and do it, too. Oh, yes; you are for civil service now because you are not in power. That is the reason for it. You are not in power and you do not want us to have these offices. I am in favor of repealing the whole thing. Call me a spoilsman if you wish, but I am one of those Democrats who believe that to the "victor belong the spoils," and I believe there is a competent Democrat in this country to fill every office in it. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. Fess].

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. FESS. Division, Mr. Chairman.

The committee divided; and there were—yeas 25, noes 55.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, on page 5, lines 4 and 5, I move to strike out the words "and such special experts and examiners."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, lines 4 and 5, strike out the words "and such special experts and examiners."

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes, and that the gentleman from New York [Mr. BENNET] have the time.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that all debate on this amendment close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I sympathize a good deal with the gentleman from Kentucky [Mr. THOMAS]. There is a good deal of fake about this civil-service proposition, and I would have been satisfied when you Democrats came in three years ago if you had fired every Republican you could have laid your hands on, and I am somewhat ashamed of you because you did not. Some years ago in New York City there were laborers in the park department in The Bronx. The reformers came in, and the reform superintendent established two new classes—lawn trimmers and tree climbers—and it was a curious thing that the men that got on the list were Republicans from his part of The Bronx.

He found out that he did not need any laborers, but what he needed were lawn trimmers and tree climbers, and so he fired all the laborers and appointed lawn trimmers and tree climbers, who, curiously enough, were at once doing the work which the laborers had performed. In due course of time the reform administration went out, as reform administrations are in the habit of doing, and back came Tammany. So the Tammany superintendent raked up a couple of titles and fired the lawn trimmers and tree climbers. What happened to him? The Civil Service Reform Association held up its hands in holy horror, went before the grand jury in the then county of New York, and had him indicted for doing exactly what the reform administration which preceded him had done. There is a good deal of "bunk" about it.

Now, I know what will happen in relation to these "special experts and examiners" if this bill passes. Those are places where they will put a large number of "deserving Democrats." When the Democrats go out on the 4th day of March, 1917, those "deserving Democrats" will go out, and we will put in a few "deserving Republicans" in their places. It is all "bunk." [Laughter.] I ask unanimous consent, Mr. Chairman, to withdraw my amendment.

Mr. SABATH. Mr. Chairman, will the gentleman yield for a minute?

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. FESS. I object to the withdrawal of the amendment, Mr. Chairman.

Mr. SABATH. The gentleman is not worrying a great deal, or losing a great deal of time in thinking what particular men he will put in in 1917 to take the places of these men? I assure him he will not have to worry a great deal. [Laughter.]

Mr. BENNET. I do not worry. It is all over. [Laughter.]

Mr. HUMPHREY of Washington. There are none of us worrying about it over here. [Laughter.]

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. COOPER of Wisconsin. Mr. Chairman, after listening to the gentleman from Kentucky [Mr. THOMAS] speak in favor of the principle of the old spoils system, and, in effect, advocate its restoration in the civil service of the Government, I desire to call his attention, and the attention of other gentlemen in the House who may be similarly minded, to what was said concerning that system by eminent statesmen, Democrats and Republicans, who were familiar with its actual workings. I will read from the CONGRESSIONAL RECORD, Fifty-eighth Congress, second session, volume 38, part 1, pages 724 and 725. A distinguished Democrat, Senator Bayard, of Delaware, is quoted as saying:

No man obtained an office except he was a violent partisan, and the office was given to him as a reward for party services; and so things went on until the offices generally were filled under that system, which

was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions, I care not what party or under what name it may be organized and carried on.

Another equally distinguished Democrat, Senator Vest, of Missouri, said on the floor of the Senate:

When I entered the Senate I became chairman of the Committee to Examine the Several Branches of the Civil Service, and for two years I was engaged with the rest of that committee in taking testimony upon the subject of civil-service reform. That very great evils exist there can be no sort of question—evils so monstrous, so deadly in their effects, that men of all political parties have come to the conclusion that some remedy must be applied.

A great Republican, President Grant, speaking of the evils of the spoils system, said in 1870 in a message to Congress:

There is no duty which so much embarrasses the Executive and heads of departments as that of appointment, nor is there any such thankless labor imposed on Senators and Representatives as that of finding places for constituents.

I ask the attention of the gentleman from Kentucky, although he seems to have gone from the House—I hope that he will read this—to what President Grant further said in the same message concerning the system which Senator Vest and Senator Bayard described as corrupt and corrupting:

The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. COOPER of Wisconsin. I can not yield until I have read some more Republican authority. Is the gentleman a champion of that system?

Mr. SABATH. No; I am not.

Mr. COOPER of Wisconsin. Gen. Garfield declared on the floor of the House on the 4th of March, 1870:

We—

That is, Members of the Senate and the House—

We press such appointments upon the departments; we crowd the doors; we fill the corridors; Senators and Representatives throng the offices and bureaus until the public business is obstructed; the patience of officers is worn out, and sometimes, for fear of losing their places by our influence, they at last give way and appoint men, not because they are fit for their positions, but because we ask it.

In an article, published in the Atlantic Monthly Gen. Garfield said:

One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments in office. \* \* \* The present system \* \* \* impairs the efficiency of legislators. \* \* \* It degrades the civil service.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Chairman, I would like to know if the gentleman will yield to me for a simple question and a short question?

Mr. COOPER of Wisconsin. Make it as short as possible.

Mr. SABATH. It will be.

Mr. COOPER of Wisconsin. I have no doubt it will be simple. [Laughter.]

Mr. HUMPHREY of Washington. Mr. Chairman, let me suggest to the gentleman from Wisconsin that we are very hungry. Will he not consent to resume to-morrow morning?

Mr. COOPER of Wisconsin. It will only take two minutes to finish.

Mr. BARNHART. I may want to reply to it.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COOPER of Wisconsin. Said Gen. Garfield:

The present system \* \* \* impairs the efficiency of the legislators; \* \* \* it degrades the civil service; \* \* \* it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal.

To reform this service is one of the highest and most imperative duties of statesmanship.

The author of the original civil-service law was a man conversant with the outrageous practices that obtained under the old spoils system—a Democrat, Senator George H. Pendleton, from the State of Ohio. Dorman B. Eaton, a Connecticut statesman, a Democrat, was also an ardent champion of civil-service reform. The offices in the civil service of the Government belong not to Senators or Representatives in Congress but to all the people

of the United States, and they ought to be filled by employees selected because of their fitness to render the people efficient service, and not merely because of their willingness to serve the Senators or Representatives who appoint them.

Mr. SABATH. Will the gentleman yield for a simple question?

Mr. COOPER of Wisconsin. I will.

Mr. SABATH. Is it not a fact that the conditions that the gentleman has quoted to us applied to, and that those horrible conditions existed only, under a Republican administration?

Mr. COOPER of Wisconsin. There is no doubt about that being a simple question, too simple for me to attempt an answer.

Mr. SABATH. If it is so simple, why does not the gentleman answer it, whether those conditions prevailed under a Republican administration or not? The answer is that they did, because the Democratic Party was not then in power, and had been out of power for many years, and therefore those conditions must have applied to the system that prevailed under a Republican administration.

Mr. COOPER of Wisconsin. When Daniel Webster and John C. Calhoun, two of this country's most illustrious statesmen, were in Congress, before the Republican Party was born, they united in a report declaring that the spoils system if allowed to continue, would surely become a source of great danger to the Nation. The originator, the father, of the spoils system in the civil service of the Government was a Democrat, President Andrew Jackson. After him it existed under all administrations until the enactment of the civil-service law.

Mr. ALEXANDER. Will the gentleman yield to me now?

Mr. COOPER of Wisconsin. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

#### LEAVE OF ABSENCE.

The SPEAKER. About a week ago the gentleman from Pennsylvania [Mr. CASEY] telegraphed me that he wanted leave of absence on account of a death in his family. I lost the telegram, and I now ask that he have leave of absence to date back one week. That will put him right on the record. If there is no objection it will be so ordered.

There was no objection.

#### LEAVE TO EXTEND REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to print in the RECORD in extension of my remarks a statement of the National Trade Council upon foreign trade.

The SPEAKER. The gentleman from Ohio asks to print in the RECORD as a part of his remarks a report of the National Trade Council. Is there objection?

Mr. BARNHART. Reserving the right to object, I should like to inquire how long it is.

Mr. FESS. Very brief.

Mr. BARNHART. There were 46 pages of the RECORD taken yesterday by one Member of Congress.

Mr. MANN. Yes; putting into the RECORD a report made by another Member, to whom credit was not given.



The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection?

Mr. JAMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of pensions.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the Record on the subject of pensions. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, May 19, 1916, at 11 o'clock a. m.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLACK, from the Committee on the Post Office and Post Roads, to which was referred the joint resolution (H. J. Res. 193) authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration, reported the same without amendment, accompanied by a report (No. 714), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 203) authorizing the Postmaster General to provide the postmaster of Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration, reported the same without amendment, accompanied by a report (No. 715), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORGAN of Oklahoma, from the Committee on the Judiciary, to which was referred the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same without amendment, accompanied by a report (No. 716), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 11584) for the relief of D. B. Barbour and A. P. Gladden, copartners doing business under the firm name of Brown, Barbour & Gladden, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. SWIFT, from the Committee on Claims, to which was referred the bill (H. R. 4537) for the relief of the P. J. Carlin Construction Co., reported the same with amendment, accompanied by a report (No. 718), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn., reported the same without amendment, accompanied by a report (No. 728), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 10931) for the relief of Blair and Blake, reported the same with amendment, accompanied by a report (No. 729), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1777) for the relief of Frank J. Deutsch, reported the same with amendment, accompanied by a report (No. 730), which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 12244) for the relief of the D. B. Martin Co., of Philadelphia, Pa., reported the same adversely, accompanied by a report (No. 724), which said bill and report were laid on the table.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 9398) to carry out the findings of the Court of Claims in the case of Velma C. Williams, administratrix of the estate of Paul Curtis, reported the same adversely, accompanied by a report (No. 726), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 9296) for the relief of Walter W. Parker for overtime work in the Navy Department, reported the same adversely, accompanied by a report (No. 725), which said bill and report were laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15658) granting a pension to Ellen Merritt, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolutions were introduced and severally referred as follows:

By Mr. PAGE of North Carolina [from the Committee on Appropriations]: A bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RAUCH [from the Committee on Appropriations]: A bill (H. R. 15775) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RICKETTS: A bill (H. R. 15776) to authorize the acquisition of a site and the erection of a Federal building at Circleville, Pickaway County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. KALANIANAOLE: A bill (H. R. 15777) to authorize and provide for the manufacture, maintenance, distribution, and supply of gas in the district of South Hilo, county of Hawaii, Territory of Hawaii; to the Committee on the Territories.

By Mr. CARY: A bill (H. R. 15778) to amend the law relating to national homes; to the Committee on Military Affairs.

By Mr. PAGE of North Carolina: Resolution (H. Res. 240) making in order certain provisions carried in the bill (H. R. 15774), making appropriations for the expenses of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes; to the Committee on Rules.

By Mr. O'SHAUNESSY: Joint resolution (H. J. Res. 225) increasing the compensation of the Capitol police; to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and a resolution were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 15779) granting an increase of pension to David S. Griffith; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 15780) granting an increase of pension to Emily E. Smith; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 15781) granting a pension to Delphene E. Bird; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15782) granting an increase of pension to Catherine Green; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 15783) granting a pension to William H. Schucraft; to the Committee on Pensions.

Also, a bill (H. R. 15784) granting an increase of pension to Jacob Bruno; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 15785) granting an increase of pension to Emeline E. Himes; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 15786) granting an increase of pension to Martin Buehler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15787) granting an increase of pension to G. W. Coble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15788) granting an increase of pension to Mary C. G. Schwartz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15789) granting an increase of pension to Charlotte H. Moore; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 15790) granting a pension to Mrs. Adeline L. Black; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 15791) granting a pension to Herman H. Jahn, alias Herman Martin; to the Committee on Pensions.

Also, a bill (H. R. 15792) for the relief of George Andrews; to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 15793) granting a pension to Mary T. Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15794) granting an increase of pension to Savannah Ward; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15795) granting an increase of pension to Alice M. Hays; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 15796) granting an increase of pension to Isaac W. Nutting; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 15797) for the relief of Charles L. Schroeder; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 15798) granting an increase of pension to Sidney W. Davy; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 15799) to reinstate Paul D. Kern as a cadet at United States Military Academy; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 15800) granting an increase of pension to Nelson B. Miller; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 15801) granting an increase of pension to David F. Moulder; to the Committee on Pensions.

Also, a bill (H. R. 15802) granting a pension to Barbara Whitney; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 15803) granting an increase of pension to Azor M. Nixon; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: Resolution (H. Res. 241) authorizing the payment of \$1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first session of the Sixty-fourth Congress; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of the United States, relative to shipment of Red Cross supplies; to the Committee on Foreign Affairs.

Also (by request), petition of Missouri State Dairy Association, relative to dairy conditions in State of Missouri; to the Committee on Agriculture.

Also (by request), memorial of trustees of Trinity Lutheran Church, of Long Island City, N. Y., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany House bill 15685, for the relief of Mary A. Nichols; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Local Unions Nos. 1294 and 472, United Mine Workers of America, favoring inspection of dairies, etc.; to the Committee on Agriculture.

By Mr. CAREW: Petition of citizens' peace committee, in re arbitration of international disputes; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., against the enactment of legislation excluding certain publications from the mails; to the Committee on the Post Office and Post Roads.

By Mr. COPLEY: Communication from Merchants' Association of New York City, protesting against the passage of House bill 11621 and Senate bill 4897; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lutheran Ministers' Association of Northern Illinois, protesting against the blockade which prevents the shipment to the central powers of recognized non-contraband articles of war; to the Committee on Foreign Affairs.

Also, memorial of Commercial Club of St. Marys, Ohio, protesting against the plan of space payment for mail cars; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Gadsden (Ala.) Chamber of Commerce, favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of women voters of Yuma County and Lincoln County Branch of Congressional Union, Arizona, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of J. G. White & Co., of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Kate E. Jacobson, of Hackensack, N. J., relative to House bill 1092, for probation for prisoners; to the Committee on War Claims.

By Mr. DILLON: Petition of Gadsden (Ala.) Chamber of Commerce, favoring Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of second convention of Mental Hygiene Societies of the United States, favoring a bill for division of mental hygiene in United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLING: Petition of automobile manufacturers, protesting against passage of Tavenner bill; to the Committee on Labor.

By Mr. FULLER: Petition of sundry citizens of Earlville, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Scandinavian Lodge, No. 6, International Order of Good Templars, of Rockford, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Gadsden Chamber of Commerce, of Gadsden, Ala., in re water-power development; to the Committee on the Public Lands.

Also, petition of National Automobile Chamber of Commerce, against bills to prohibit the Taylor system in Government shops; to the Committee on Labor.

By Mr. KENNEDY of Rhode Island: Petition of E. C. McVickar and others, against House bill 108 and Senate bills 3904 and 4452, relative to advantages of the Indians; to the Committee on Indian Affairs.

By Mr. LINTHICUM: Petition of American Association of Masters, Mates, and Pilots, Rescue Harbor, No. 14, Baltimore, Md., favoring House bill 449, for increasing number of inspectors; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONDON: Petition of 12 citizens of Los Angeles, Cal., favoring the adoption of legislation providing that those who make war shall do all the fighting; to the Committee on Military Affairs.

By Mr. LOUD: Petition of H. A. Brewer and Methodist Episcopal Church, of Prescott, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Papers to accompany House bill 15699, to grant a pension to Sarah A. Christy; to the Committee on Invalid Pensions.

By Mr. NOLAN: Memorial of Old Dominion Citizens' Association, favoring the passage of the Nolan minimum-wage bill (H. R. 11876); to the Committee on Labor.

Also, petition of W. R. Bunch, of San Francisco, Cal., showing that the classified laborers in the customs service are required to work overtime at night without compensation; to the Committee on Labor.

Also, memorial of San Francisco Labor Council, favoring the peaceful settlement of all international disputes; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Nevada: Petition of Woman's Christian Temperance Union of Reno, Nev., favoring prohibition in Porto Rico; to the Committee on Insular Affairs.

By Mr. ROWE: Petition of sundry American citizens against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chase, Roberts & Co., of Long Island City, N. Y., in re House bill 8665; to the Committee on Labor.

Also, petition of H. S. Brancher, of Richmond Hill, N. Y.; to the Committee on the Judiciary.

Also, memorial of New York Academy of Medicine, in re Army bill; to the Committee on Military Affairs.

By Mr. SCULLY: Petition of Southern Hardware Jobbers' Association, favoring legislation for prevention of floods; to the Committee on Rivers and Harbors.

By Mr. SNYDER: Petitions of various religious societies of Clinton, N. Y., against export of liquor to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. TEMPLE: Petition of the Woman's Home and Foreign Missionary Society of Mount Prospect Church, presbytery of Washington, Pa., to prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico; to the Committee on Insular Affairs.

Also, petition of the Mahoningtown Presbyterian Church, asking for the antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.